

CAUSE NO. DC-2024-CV-1835

THE STATE OF TEXAS,	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
v.	§	LUBBOCK COUNTY, TEXAS
	§	
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION,	§	
	§	
<i>Defendants.</i>	§	237TH JUDICIAL DISTRICT

STATE’S APPLICATION FOR TEMPORARY INJUNCTION

The NCAA has long fooled consumers into believing that only biological women compete in its “women’s” sports categories. But— since the filing of this lawsuit— it has gone even further. The NCAA now claims that it has brought its Transgender Eligibility Policy (TEP) into alignment with the “clear, national standard” set by President Trump’s February 2025 Executive Order: Keeping Men Out of Women’s Sports. Nothing could be further from the truth. In both spirit and text, the NCAA’s new policy stands in stark contrast to the President’s Executive Order. And— more importantly—the new policy does not, in fact, keep men out of women’s sports. It is an illusion of change designed to trick consumers into re-engaging with the NCAA.

Now, with the 2024-25 Women’s NCAA March Madness Basketball Tournament less than one month away—and consumers having been subjected to even more confusion, deception, and misleading statements from the NCAA— the State files this Application for Temporary Injunction to restrain and prevent the NCAA’s deceptive trade practices.

I. EXHIBITS

Exhibit 1 – 1/20/2024 Executive Order: Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.

Exhibit 2 – 2/5/2025 Executive Order: Keeping Men Out of Women’s Sports.

Exhibit 3 – NCAA Press Release Dated 2/6/2025

Exhibit 4 – NCAA Amended Transgender Eligibility Policy (Effective 2/6/2025)

Exhibit 5 – NCAA 2024-25 Drug-Testing Manual

Exhibit 6 – Movement Advance Project, *Quality Maps: Identity Document Laws*, 2024.

II. BACKGROUND

1. Except to note that the NCAA has amended its TEP as set forth herein, the State fully incorporates its First Amended Petition for all purposes. *See* State’s First Amd. Pet. (filed Jan. 31, 2025).

2. On December 22, 2024, the State filed the present lawsuit alleging that the NCAA is engaging in false, deceptive, and misleading trade practices by advertising certain sports categories as “women’s” categories, when, in fact, the NCAA permits biological men to participate in these categories through its Transgender Eligibility Policy. *See* State’s Orig. Pet. (filed Dec. 23, 2024); *see also* State’s First Amd. Pet. (filed Jan. 31, 2025).

a. **President Trump’s Executive Order: Keeping Men Out of Women’s Sports**

3. Approximately one month after the filing of this lawsuit, President Donald Trump issued two relevant Executive Orders (EOs). The first was issued on January 20, 2025 and titled “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.” Ex. 1. And the second was issued on February 5, 2025 and titled “Keeping Men Out of Women’s Sports.” Ex. 2. According to the terms of the second EO, it is borne out of a recognition that “athletic associations have allowed men to compete in women’s sports,” and declares that it is the “policy of the United States to oppose male competitive participation in women’s sports.” Both EOs recognize the following fundamental truths and definitions:

- a. “Sex” is “an individual’s immutable biological classification as either male or female.”
- b. “Sex” is not synonymous with, “and does not include the concept of ‘gender identity.’”
- c. “Women” are “adult and juvenile human females.”
- d. “Female” means “a person belonging, at conception, to the sex that produces the large reproductive cell.”
- e. “Men” are “adult and juvenile human males.”
- f. “Male” means “a person belonging, at conception, to the sex that produces the small reproductive cell.”
- g. “Gender identity” is a “fully internal and subjective sense of self [that is] disconnected from biological reality and sex,” and which “does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.”

b. NCAA’s Response to the Executive Orders

4. On February 6, 2025, the NCAA issued a press-release praising the “Keeping Men Out of Women’s Sports” EO as “a clear, national standard” for student-athlete eligibility. Ex. 3. And to that end, the NCAA revealed that “effective immediately” it had “voted to update the Association’s participation policy for transgender student-athletes following the Trump administration’s executive order.” *Id.*

5. This press release led Texas consumers to believe that the NCAA’s Amended TEP was consistent with the President’s February 5, 2025 EO and prohibits biological men from competing in women’s sports categories.

6. But, in spite of its representations, the NCAA did not follow President Trump’s “clear, national standard.” Rather, in direct contrast to the “Keeping Men Out of Women’s Sports” EO, the NCAA’s Amended TEP (1) determines a student-athlete’s sex according to

“birth records” and designations “assign[ed]” by doctors, rather than biological makeup “at conception,” (2) treats sex as changeable rather than an immutable characteristic, (3) uses “gender” interchangeably with “sex,” and (4) embraces the idea of “gender identity” as a basis for identification. *Id.*

c. The NCAA’s Policies and Practices Still Allow Biological Men to Compete in “Women’s” Sports Categories

7. In spite of the Amended TEP and the NCAA’s representations that it has brought itself into alignment with President Trump’s “clear, national standard,” the NCAA has allowed, and will continue to allow, biological men to compete in “women’s” sports categories through two principal avenues: (1) the NCAA’s decision not to screen the sex of student-athletes, and (2) the NCAA’s reliance on sex “assign[ments]” as determined by birth records.

8. First, the NCAA has not, does not, and under the Amended TEP—will not—screen the sex of student-athletes. Unlike the NCAA’s drug-testing policies, which subject student-athletes to “year-round testing,” neither the Amended TEP nor its predecessor include any mechanism for screening student-athlete sex. *Compare* Ex. 4 (Amended TEP) with Ex. 5 (NCAA Drug-Testing Manual).

9. And, in practice, the NCAA’s lack of sex-screening has allowed (and will continue to allow) biological men to surreptitiously participate in “women’s” sports categories. In fact, one need not look any further than Blair Fleming’s participation in the 2024 NCAA’s Women’s Volleyball season for proof of this fact. Unbeknownst to teammates, opponents, and even San Jose State University (SJSU) itself, Blair Fleming (born Brayden Fleming) successfully concealed his biological sex in order to play on San Jose State University’s women’s volleyball team beginning in 2022 through April 2024, when an online media outlet published an article identifying Fleming as

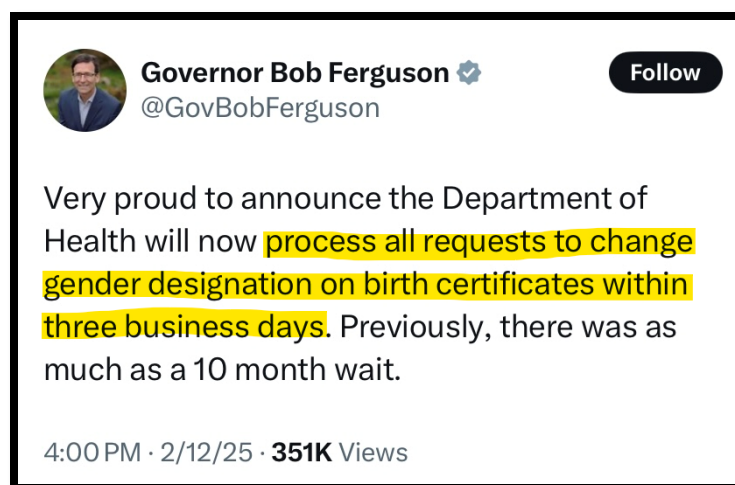
a biological man. Anna Slatz, *Exclusive: Biological Male Quietly Joined NCAA Division 1 Volleyball at San Jose State University*, Reduux (Apr. 17, 2024) (<https://tinyurl.com/yck9zzya>). Up until that time, Fleming played alongside— and lived with— female teammates under the false pretense that he was a woman. *See id.* It was not until after the article came out that Fleming revealed to his female roommates that he was, in fact, born a male and identifies as a “transgender woman.” *Slusser, et. al. v. Mountain West Conference*, No. 24-3155, Complaint for Damages, Declaratory, and Injunctive Relief, ¶¶ 275-78. Upon this revelation, five (5) NCAA women’s volleyball teams chose to forfeit their games against SJSU in lieu of playing against a biological man. Jackson Thompson, *SJSU Women’s Volleyball’s 1st Opponent Didn’t Know About Trans Player, Suggests Match Wouldn’t Have Happened*, Outkick (Nov. 20, 2024) (<https://tinyurl.com/mrpfscm7>). At least one other team suggested that they too would have forfeited their match against SJSU had they known that Fleming was a biological male. *Id.*

10. Although it is impossible to know the full extent to which biological men are competing in the NCAA’s “women’s” sports categories based on the NCAA’s lack of sex-screening procedures, upon information and belief, Blair Fleming is not the only one.¹ Biological men have been, and will continue to, surreptitiously participate in “women’s” sports until the NCAA implements a procedure to screen the sex of student-athletes.²

¹ Of particular note, NCAA President, Charlie Baker, recently testified at a United State’s Senate committee hearing that he is aware of less than ten (10) transgender student-athletes that are competing in NCAA women’s sports. Charlie Baker, *United States Senate Committee on the Judiciary Hearing: America’s High-Stakes Bet on Legalized Sports Gambling* (Dec. 17, 2024) (<https://tinyurl.com/bdhyf67p>) (beginning at 01:56:58). But even activist researchers that support transgender participation in women’s sports concede that this number is likely much higher. *How Many Transgender Athletes Play Women’s Sports?*, Newsweek (Apr. 21, 2023) (estimating that there are 100 or less biological males competing in NCAA women’s sports) (<https://tinyurl.com/yv3n9py7>).

² Notably, World Athletics, the international governing body for track and field events, recently recommended adoption of an SRY gene pre-clearance screening requirement for athletes competing in female categories. Press Release,

11. The second avenue through which biological men will continue to participate in NCAA “women’s” sports categories is the NCAA’s loose definition of “sex.” According to the Amended TEP, a student-athlete’s sex is whatever “designation doctors assign to infants at birth, which is *marked on their birth records.*” Ex. 4. Not only does this definition stand in stark contrast to President Trump’s February 5, 2025 EO (defining sex as unchangeable and determined at conception), but it leaves ample opportunity for biological men to alter their birth records and participate in women’s sports. Indeed, 26 states and the District of Columbia allow a person to alter the sex designation on their birth certificate purely through administrative procedures. *See* Ex. 6. And, in at least 14 of these states (including New York, New Jersey, Massachusetts, Michigan, Illinois, California, and Washington), no medical documentation whatsoever is required. *See id.* In fact, Washington Governor, Bob Ferguson, recently boasted that his state processes “all requests to change gender designations on birth certificates within *three business days.*” Governor Bob Ferguson (@GovBobFerguson), X (formerly Twitter) (Feb. 12, 2025) (emphasis added).



World Athletics, Word Athletics Launches New Stakeholder Consultation on Female Eligibility (Feb. 10, 2025) (available at <https://tinyurl.com/4m425e4p>).

12. The Amended TEP’s reference to sex assignments given to “infants at birth” does nothing to save the policy either. In fact, that language is rendered meaningless by the policy’s subsequent—more explicit— directive that a person’s sex, as “marked on their birth record[]” controls. To this end, the State is not aware of any state-sponsored birth certificates that distinguish a person’s birth sex from their gender identity.

13. According to public reporting, the State is aware of at least three (3) transgender high school student-athletes that have expressed interest in NCAA collegiate athletics and who, on information and belief, would qualify to participate in women’s sports under the Amended TEP.

- a. Addie Ruter of Massachusetts was born as Eddie Ruter, a biological male. Andrew Chapados, *Girls Basketball Team Eyes Third-Straight Title Using Their ‘Secret Weapon’: A 6’3 Male*, BLAZE MEDIA (Jan. 21, 2025) (<https://tinyurl.com/58wz4xxz>). Ruter has led his girl’s high school basketball team to back-to-back state championships, and is currently seeking a third straight championship. *Id.* He has been on recruiting visits to Fairfield University and Boston University. On information and belief, Ruter has amended his birth certificate to reflect that he is “female.”
- b. Tate Drageset of California is a biological male that achieved significant success in southern California girl’s volleyball. Anna Slatz, *Exclusive: Transgender Athlete Makes Verbal Commitment to Seize One of Just Twelve Women’s Volleyball D1 Scholarships at the University of Washington*, REDUXX (Dec. 13, 2023) (<https://tinyurl.com/38kj6bj7>). He was offered a scholarship to play at the University of Washington, but after the school discovered that he was a biological male, his scholarship offer was rescinded. *See* Riley Gaines (@Riley_Gaines), X (formerly Twitter) (Dec. 16, 2023) (<https://tinyurl.com/47wrxeab>). Drageset has since made recruiting visits to at least two schools in California and the University of Nevada, Las Vegas. On information and belief, Drageset has amended his birth certificate to reflect that he is “female.”
- c. Lizzy Bidwell was born Lucas Bidwell, a biological male. Shay Woulahan, *Exclusive: Two Trans-Identified Males Compete in the Female Division of the 2024 New England Track and Field Championship*, REDUXX (Feb. 27, 2024) (<https://tinyurl.com/yw4xvjdf>). His family re-located from Georgia to Connecticut around the same time that the Georgia legislature banned biological boys from competing in girl’s sports. *Id.* In 2024, Bidwell won the state title for girl’s high-jump at the

New England Track & Field Championship. Girls High Jump Results, New England High School Indoor Track & Field Championship, Mar. 2, 2024 (<https://lasttimeout.anet.live/meets/30619/events/individual/1108412>). Bidwell has expressed a desire to compete in NCAA Division 1 athletics. Lizzy Bidwell, NCSA College Recruiting Profile: Personal Statement (“I aspire to go to college for track and field”) (<https://tinyurl.com/ycevyyp5d>). On information and belief, Bidwell has amended his birth certificate to reflect that he is female.

d. 2025 NCAA Division 1 Women’s Basketball Championship Tournament

14. As explained more fully in the State’s First Amended Petition, the NCAA generates significant revenue from the marketing and administration of women’s sports championships and tournaments. *See e.g.* State’s First Amended Petition, ¶¶ 21-45.

15. Of particular note is the NCAA’s “March Madness” Women’s Basketball Tournament, which, for the 2024-25 season, is scheduled to tip-off on Wednesday, March 19, 2025. NCAA, 2025 March Madness: Women’s NCAA tournament schedule, dates, times (<https://tinyurl.com/y2tnutbx>) (last visited Feb 17, 2025). Over the past several years, viewership, ticket prices, memorabilia sales, and advertising surrounding this tournament have experienced explosive growth. *See e.g.* State’s First Amended Petition, ¶¶ 40-45

16. Last year, five (5) Texas women’s teams competed in the 2023-24 NCAA Women’s Basketball Tournament. NCAA, 2024 D1 Women’s Basketball Bracket (<https://tinyurl.com/6htz4ny9>). And this year, that number is expected to remain consistent. As of February 17, 2025, ESPN’s “bracketology” predicts that five (5) Division 1 Texas NCAA teams,³ will compete in the 2024-25 tournament. ESPN, Women’s Bracketology: 2025 NCAA Tournament (<https://tinyurl.com/3nh8w6ys>) (last visited Feb. 17, 2025). This is consistent with the Associated

³ Texas Southern, Baylor, UTSA, Texas, and TCU.

Press’s current rankings, which put three (3) Texas teams⁴ among the top-25 in the nation. Associated Press, Week 16 Rankings (<https://tinyurl.com/3k7mvrth>).

17. The most watched NCAA women’s basketball game of the 2024-25 season was between the University of Texas and the University of South Carolina. Zoe Collins Rath, *Texas Women’s Basketball: Longhorns’ Sunday Win Over South Carolina Draws Record Viewers*, AUSTIN AMERICAN-STATESMAN (Feb. 11, 2025) (<https://tinyurl.com/ywzh69z7>). Notably, that game took place on February 9, 2025— just three (3) days after the NCAA claimed to have brought its TEP into alignment with the President’s EO. *See id.*

18. The University of Texas has already been announced as a No. 1 seed in the 2024-25 NCAA Division 1 March Madness Women’s Basketball Tournament, and accordingly, at least some of the tournament’s games will be played in the State of Texas. *See* Rick Nixon, *UCLA, South Carolina, Texas and Notre Dame Earn Top Seeds in First D1 WBB Committee Top 16 Reveal*, NCAA (Feb. 16, 2025) (available at <https://tinyurl.com/47b6pcjf>) (stating that the NCAA Division 1 Women’s Basketball Committee has tabbed Texas as a No. 1 seed and providing that first- and second-round games will be played on the campuses of the top 16 seeds).⁵

III. ARGUMENT

19. “Texas courts have held that when an applicant relies upon a statutory source for injunctive relief, such as the DTPA, the statute’s express language supersedes the common law injunctive relief elements...” *David Jason W. & Pydia, Inc. v. State*, 212 S.W.3d 513, 519 (Tex. App.—Austin 2006, no pet.); *see also Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 210 (Tex. 2002)

⁴ Texas (2), TCU (10), Baylor (19).

⁵ According to the criteria discussed, TCU and Baylor may also host tournament games.

(equitable injunction elements yield to “specific statute[s] giving the right to an injunction”).

20. Under the Deceptive Trade Practices Act, the State is entitled to an injunction “whenever the consumer protection division [(1)] has reason to believe that any person is engaging in, [(2)] has engaged in, or [(3)] is about to engage in any act or practice declared to be unlawful” and the “proceedings would be in the public interest.” Tex. Bus. & Com. Code § 17.47(a); *David Jason W. & Pydia, Inc.*, 212 S.W.3d at 519-22. Cessation of unlawful conduct does nothing to negate the State’s rights in this respect. Tex. Bus. & Com. Code § 17.47(a) (“injunctive relief shall lie even if such person has ceased such unlawful conduct...”).

21. For the reasons set forth in the State’s First Amended Petition, the NCAA is engaging in, has engaged in, and is about to engage deceptive trade practices in violation of Texas law. State’s First Amended Petition, ¶¶ 193-217. What is more, given President Trump’s EOs and Texas’ general prohibitions against biological males competing in women’s sports categories, there can be little doubt that the present action serves the public interest. *See e.g.* Tex. Educ. Code § 51.980; *see also* State’s First Amended Petition, ¶¶ 82-192; *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015) (“the State has an intrinsic right to enact, interpret, and enforce its own laws.”)

22. Since the filing of the State’s First Amended Petition, the NCAA has engaged in additional (and ongoing) DTPA violations in that it has falsely represented that “following the Trump administration’s executive order,” it amended its Transgender Eligibility Policy to bring that policy into alignment with President Trump’s “clear, national standard.” Tex. Bus. & Com. Code §§ 17.46(a); 17.46(b)(2), (b)(5), (b)(7), (b)(9), (b)(24). In reality, the NCAA’s Amended TEP contradicts the February 5th EO in multiple material respects and will not keep biological men out of women’s sports for the reasons explained *supra*. Nevertheless, in

light of these misrepresentations, the NCAA generally— and, specifically, the 2024-25 Women’s March Madness Basketball Tournament— stand to gain substantial additional viewership, sales, and advertising by virtue of consumers that disapprove of transgender participation in women’s sports, re-engaging with the NCAA under the false impression that the NCAA has started “Keeping Men out of Women’s Sports.”

23. Having alleged DTPA violations, the only question for the Court to address here is whether the State has established a probable right of recovery. *See Butnaru*, 84 S.W.3d at 210; see also *David Jason W. & Pydia, Inc.*, 212 S.W.3d at 519.

24. A “probable right of recovery’ is a term of art in the injunction context” and requires only that an “applicant plead a cause of action and present *some evidence* that tends to sustain it.” *Intercontinental Terminals Co., LLC v. Vopak N. Am., Inc.*, 354 S.W.3d 887, 897 (Tex. App.—Houston [1st Dist.] 2011, no pet.) (emphasis added). It is not an invitation for a “mini trial... wherein the judge predicts the [] chances of success at the real trial.” *Anderson Oaks (Phase I) Ltd. P'ship v. Anderson Mill Oaks, Ltd.*, 734 S.W.2d 42, 44, n. 1 (Tex. App.—Austin 1987, no writ).

25. In the present case, and for the reasons expressed in this Application and the State’s First Amended Petition, the State has established that the NCAA is engaging in, has engaged in, and is about to engage in, deceptive trade practices, as declared unlawful by § 17.46 *et. seq.* of the Texas Business & Commerce Code. Specifically, the NCAA is confusing, deceiving, and misleading consumers by representing that certain sports teams and categories are “women’s” sports categories, when, in fact, the NCAA is allowing biological men to participate in those categories. What is more, the NCAA has recently exacerbated this deception and confusion by falsely representing

that it amended its Transgender Eligibility Policy to bring that policy into alignment with the “clear, national standard” established by President Trump’s “Keeping Men Out of Women’s Sports” Executive Order.

IV. BOND

26. Injunctive relief issued pursuant to the Deceptive Trade Practices Act “shall be issued without bond.” Tex. Bus. & Com. Code § 17.47(b).

V. PRAYER

27. For the foregoing reasons, and because the NCAA is engaging in, has engaged in, and is about to engage in, deceptive trade practices in violation of the Texas Deceptive Trade Practices Act, the State prays that the Court enter a temporary injunction ordering the NCAA to immediately begin screening the sex of student athletes (such as by screening for presence of the SRY gene)⁶ and prohibiting all males (as defined by President Trump’s EO) from participating in “women’s” sports categories, or alternatively, requiring the NCAA and its affiliates to immediately stop using the terms “women,” “female,” or “girl” (or any iterations of such terms) in connection with the advertising and marketing of its “women’s” sports teams, categories, competitions, tournaments, and championships, and for all other relief to which the State may be justly entitled.

Respectfully submitted,

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⁶ See *supra* n. 2.

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ATTORNEYS FOR TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of February 2025, a copy of the foregoing document was served to all counsel of record in accordance with the Texas Rules of Civil Procedure.

/s/ Rob Farquharson
ROB FARQUHARSON
Assistant Attorney General

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THE STATE OF TEXAS,

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IN THE DISTRICT COURT

LUBBOCK COUNTY, TEXAS

237TH JUDICIAL DISTRICT

STATE'S APPLICATION FOR TEMPORARY INJUNCTION

EXHIBIT 1

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PRESIDENTIAL ACTIONS

DEFENDING WOMEN
FROM GENDER
IDEOLOGY EXTREMISM
AND RESTORING
BIOLOGICAL TRUTH TO
THE FEDERAL
GOVERNMENT

EXECUTIVE ORDER

January 20, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7301 of title 5, United States Code, it is hereby ordered:

Section 1. Purpose. Across the country, ideologues who deny the biological reality of sex have increasingly used legal and other socially coercive means to permit men to self-identify as women and gain access to intimate single-sex spaces and activities designed for women, from women’s domestic abuse shelters to women’s workplace showers. This is wrong. Efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and well-being. The erasure of sex in language and policy has a corrosive impact not just on women but on the validity of the entire American system. Basing Federal policy on truth is critical to scientific inquiry, public safety, morale, and trust in government itself.

This unhealthy road is paved by an ongoing and purposeful attack against the ordinary and longstanding use and understanding of biological and scientific terms, replacing the immutable biological reality of sex with an internal, fluid, and subjective sense of self unmoored from biological facts. Invalidating the true and biological category of “woman” improperly transforms laws and policies designed to protect sex-based opportunities into laws and policies that undermine them, replacing longstanding, cherished legal rights and values with an identity-based, inchoate social concept.

Accordingly, my Administration will defend women’s rights and protect freedom of conscience by using clear and accurate language and policies that recognize women are biologically female, and men are biologically male.

Sec. 2. Policy and Definitions. It is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality. Under my direction, the Executive Branch will enforce all sex-protective laws to promote this reality, and the following definitions shall govern all Executive interpretation of and application of Federal law and administration policy:

- (a) “Sex” shall refer to an individual’s immutable biological classification as either male or female. “Sex” is not a synonym for and does not include the concept of “gender identity.”
- (b) “Women” or “woman” and “girls” or “girl” shall mean adult and juvenile human females, respectively.
- (c) “Men” or “man” and “boys” or “boy” shall mean adult and juvenile human males, respectively.
- (d) “Female” means a person belonging, at conception, to the sex that produces the large reproductive cell.
- (e) “Male” means a person belonging, at conception, to the sex that produces the small reproductive cell.
- (f) “Gender ideology” replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa, and requiring all institutions of society to regard this false claim as true. Gender ideology includes the idea that there is a vast spectrum of genders that are disconnected from one’s sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.
- (g) “Gender identity” reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

Sec. 3. Recognizing Women Are Biologically Distinct From Men. (a) Within 30 days of the date of this order, the Secretary of Health and Human Services shall provide to the U.S. Government, external partners, and the public clear guidance expanding on the sex-based definitions set forth in this order.

(b) Each agency and all Federal employees shall enforce laws governing sex-based rights, protections, opportunities, and accommodations to protect men and women as biologically distinct sexes. Each agency should therefore give

the terms “sex”, “male”, “female”, “men”, “women”, “boys” and “girls” the meanings set forth in section 2 of this order when interpreting or applying statutes, regulations, or guidance and in all other official agency business, documents, and communications.

(c) When administering or enforcing sex-based distinctions, every agency and all Federal employees acting in an official capacity on behalf of their agency shall use the term “sex” and not “gender” in all applicable Federal policies and documents.

(d) The Secretaries of State and Homeland Security, and the Director of the Office of Personnel Management, shall implement changes to require that government-issued identification documents, including passports, visas, and Global Entry cards, accurately reflect the holder’s sex, as defined under section 2 of this order; and the Director of the Office of Personnel Management shall ensure that applicable personnel records accurately report Federal employees’ sex, as defined by section 2 of this order.

(e) Agencies shall remove all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise inculcate gender ideology, and shall cease issuing such statements, policies, regulations, forms, communications or other messages. Agency forms that require an individual’s sex shall list male or female, and shall not request gender identity. Agencies shall take all necessary steps, as permitted by law, to end the Federal funding of gender ideology.

(f) The prior Administration argued that the Supreme Court’s decision in *Bostock v. Clayton County* (2020), which addressed Title VII of the Civil Rights Act of 1964, requires gender identity-based access to single-sex spaces under, for example, Title IX of the Educational Amendments Act. This position is legally untenable and has harmed women. The Attorney General shall therefore immediately issue guidance to agencies to correct the misapplication of the Supreme Court’s decision in *Bostock v. Clayton County* (2020) to sex-based distinctions in agency activities. In addition, the Attorney General shall issue

guidance and assist agencies in protecting sex-based distinctions, which are explicitly permitted under Constitutional and statutory precedent.

(g) Federal funds shall not be used to promote gender ideology. Each agency shall assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology.

Sec. 4. Privacy in Intimate Spaces. (a) The Attorney General and Secretary of Homeland Security shall ensure that males are not detained in women's prisons or housed in women's detention centers, including through amendment, as necessary, of Part 115.41 of title 28, Code of Federal Regulations and interpretation guidance regarding the Americans with Disabilities Act.

(b) The Secretary of Housing and Urban Development shall prepare and submit for notice and comment rulemaking a policy to rescind the final rule entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs" of September 21, 2016, 81 FR 64763, and shall submit for public comment a policy protecting women seeking single-sex rape shelters.

(c) The Attorney General shall ensure that the Bureau of Prisons revises its policies concerning medical care to be consistent with this order, and shall ensure that no Federal funds are expended for any medical procedure, treatment, or drug for the purpose of conforming an inmate's appearance to that of the opposite sex.

(d) Agencies shall effectuate this policy by taking appropriate action to ensure that intimate spaces designated for women, girls, or females (or for men, boys, or males) are designated by sex and not identity.

Sec. 5. Protecting Rights. The Attorney General shall issue guidance to ensure the freedom to express the binary nature of sex and the right to single-sex spaces in workplaces and federally funded entities covered by the Civil Rights Act of 1964. In accordance with that guidance, the Attorney General, the Secretary of Labor, the General Counsel and Chair of the Equal Employment Opportunity Commission, and each other agency head with enforcement

responsibilities under the Civil Rights Act shall prioritize investigations and litigation to enforce the rights and freedoms identified.

Sec. 6. Bill Text. Within 30 days of the date of this order, the Assistant to the President for Legislative Affairs shall present to the President proposed bill text to codify the definitions in this order.

Sec. 7. Agency Implementation and Reporting. (a) Within 120 days of the date of this order, each agency head shall submit an update on implementation of this order to the President, through the Director of the Office of Management and Budget. That update shall address:

- (i) changes to agency documents, including regulations, guidance, forms, and communications, made to comply with this order; and
- (ii) agency-imposed requirements on federally funded entities, including contractors, to achieve the policy of this order.

(b) The requirements of this order supersede conflicting provisions in any previous Executive Orders or Presidential Memoranda, including but not limited to Executive Orders 13988 of January 20, 2021, 14004 of January 25, 2021, 14020 and 14021 of March 8, 2021, and 14075 of June 15, 2022. These Executive Orders are hereby rescinded, and the White House Gender Policy Council established by Executive Order 14020 is dissolved.

(c) Each agency head shall promptly rescind all guidance documents inconsistent with the requirements of this order or the Attorney General's guidance issued pursuant to this order, or rescind such parts of such documents that are inconsistent in such manner. Such documents include, but are not limited to:

- (i) "The White House Toolkit on Transgender Equality";
- (ii) the Department of Education's guidance documents including:
 - (A) "2024 Title IX Regulations: Pointers for Implementation" (July 2024);
 - (B) "U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students";

- (C) “U.S. Department of Education Supporting LGBTQI+ Youth and Families in School” (June 21, 2023);
- (D) “Departamento de Educación de EE.UU. Apoyar a los jóvenes y familias LGBTQI+ en la escuela” (June 21, 2023);
- (E) “Supporting Intersex Students: A Resource for Students, Families, and Educators” (October 2021);
- (F) “Supporting Transgender Youth in School” (June 2021);
- (G) “Letter to Educators on Title IX’s 49th Anniversary” (June 23, 2021);
- (H) “Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families” (June 2021);
- (I) “Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*” (June 22, 2021);
- (J) “Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students” (June 9, 2021); and
- (K) “Back-to-School Message for Transgender Students from the U.S. Depts of Justice, Education, and HHS” (Aug. 17, 2021);
- (iii) the Attorney General’s Memorandum of March 26, 2021 entitled “Application of *Bostock v. Clayton County* to Title IX of the Education Amendments of 1972”; and
- (iv) the Equal Employment Opportunity Commission’s “Enforcement Guidance on Harassment in the Workplace” (April 29, 2024).

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
 - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

THE WHITE HOUSE,
January 20, 2025.

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CAUSE NO. DC-2024-CV-1835

THE STATE OF TEXAS,

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NATIONAL COLLEGIATE ATHLETIC
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IN THE DISTRICT COURT

LUBBOCK COUNTY, TEXAS

237TH JUDICIAL DISTRICT

STATE'S APPLICATION FOR TEMPORARY INJUNCTION

EXHIBIT 2

Menu



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PRESIDENTIAL ACTIONS

KEEPING MEN OUT OF WOMEN'S SPORTS

EXECUTIVE ORDER

February 5, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to protect opportunities for women and girls to compete in safe and fair sports, it is hereby ordered:

Section 1. Policy and Purpose. In recent years, many educational institutions and athletic associations have allowed men to compete in women's sports. This is demeaning, unfair, and dangerous to women and girls, and denies women and girls the equal opportunity to participate and excel in competitive sports. Moreover, under Title IX of the Education Amendments Act of 1972 (Title IX), educational institutions receiving Federal funds cannot deny women an equal opportunity to participate in sports. As some Federal courts have recognized, "ignoring fundamental biological truths between the two sexes deprives

women and girls of meaningful access to educational facilities.” *Tennessee v. Cardona*, 24-cv-00072 at 73 (E.D. Ky. 2024). See also *Kansas v. U.S. Dept. of Education*, 24-cv-04041 at 23 (D. Kan. 2024) (highlighting “Congress’ goals of protecting biological women in education”).

Therefore, it is the policy of the United States to rescind all funds from educational programs that deprive women and girls of fair athletic opportunities, which results in the endangerment, humiliation, and silencing of women and girls and deprives them of privacy. It shall also be the policy of the United States to oppose male competitive participation in women’s sports more broadly, as a matter of safety, fairness, dignity, and truth.

Sec. 2. Definitions. The definitions in Executive Order 14168 of January 20, 2025 (Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government), shall apply to this order.

Sec.3. Preserving Women’s Sports in Education. (a) In furtherance of the purposes of Title IX, the Secretary of Education shall promptly:

- (i) in coordination with the Attorney General, continue to comply with the vacatur of the rule entitled “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance” of April 29, 2024, 89 FR 33474, see *Tennessee v. Cardona*, 24-cv-00072 at 13-15 (E.D. Ky. 2025), and take other appropriate action to ensure this regulation does not have effect;
- (ii) take all appropriate action to affirmatively protect all-female athletic opportunities and all-female locker rooms and thereby provide the equal opportunity guaranteed by Title IX of the Education Amendments Act of 1972, including enforcement actions described in subsection (iii); to bring regulations and policy guidance into line with the Congress’ existing demand for “equal athletic opportunity for members of both sexes” by clearly specifying and clarifying that women’s sports are reserved for women; and the resolution of pending litigation consistent with this policy; and

(iii) prioritize Title IX enforcement actions against educational institutions (including athletic associations composed of or governed by such institutions) that deny female students an equal opportunity to participate in sports and athletic events by requiring them, in the women's category, to compete with or against or to appear unclothed before males.

(b) All executive departments and agencies (agencies) shall review grants to educational programs and, where appropriate, rescind funding to programs that fail to comply with the policy established in this order.

(c) The Department of Justice shall provide all necessary resources, in accordance with law, to relevant agencies to ensure expeditious enforcement of the policy established in this order.

Sec. 4. Preserving Fairness and Safety in Women's Sports. Many sport-specific governing bodies have no official position or requirements regarding trans-identifying athletes. Others allow men to compete in women's categories if these men reduce the testosterone in their bodies below certain levels or provide documentation of "sincerely held" gender identity. These policies are unfair to female athletes and do not protect female safety. To address these concerns, it is hereby ordered:

(a) The Assistant to the President for Domestic Policy shall, within 60 days of the date of this order:

(i) convene representatives of major athletic organizations and governing bodies, and female athletes harmed by such policies, to promote policies that are fair and safe, in the best interests of female athletes, and consistent with the requirements of Title IX, as applicable; and

(ii) convene State Attorneys General to identify best practices in defining and enforcing equal opportunities for women to participate in sports and educate them about stories of women and girls who have been harmed by male participation in women's sports.

(b) The Secretary of State, including through the Bureau of Educational and Cultural Affairs' Sports Diplomacy Division and the Representative of the United

States of America to the United Nations, shall:

(i) rescind support for and participation in people-to-people sports exchanges or other sports programs within which the relevant female sports category is based on identity and not sex; and

(ii) promote, including at the United Nations, international rules and norms governing sports competition to protect a sex-based female sports category, and, at the discretion of the Secretary of State, convene international athletic organizations and governing bodies, and female athletes harmed by policies that allow male participation in women's sports, to promote sporting policies that are fair, safe, and in furtherance of the best interests of female athletes.

(c) The Secretary of State and the Secretary of Homeland Security shall review and adjust, as needed, policies permitting admission to the United States of males seeking to participate in women's sports, and shall issue guidance with an objective of preventing such entry to the extent permitted by law, including pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(d) The Secretary of State shall use all appropriate and available measures to see that the International Olympic Committee amends the standards governing Olympic sporting events to promote fairness, safety, and the best interests of female athletes by ensuring that eligibility for participation in women's sporting events is determined according to sex and not gender identity or testosterone reduction.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

THE WHITE HOUSE,
February 5, 2025.

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IN THE DISTRICT COURT

LUBBOCK COUNTY, TEXAS

237TH JUDICIAL DISTRICT

STATE'S APPLICATION FOR TEMPORARY INJUNCTION

EXHIBIT 3

NCAA.org

NCAA announces transgender student-athlete participation policy change

Media Center

Posted: 2/6/2025 3:11:00 PM

Men's category open to all eligible student-athletes, women's category restricted to student-athletes assigned female at birth, schools directed to foster welcoming environments on all campuses.

Today, the NCAA announced the Board of Governors voted to update the Association's [participation policy for transgender student-athletes](#) following the Trump administration's executive order. The new policy limits competition in women's sports to student-athletes assigned female at birth only. The policy permits student-athletes assigned male at birth to practice with women's teams and receive benefits such as medical care while practicing. This policy is effective immediately and applies to all student-athletes regardless of previous eligibility reviews under the NCAA's prior transgender participation policy.

"The NCAA is an organization made up of 1,100 colleges and universities in all 50 states that collectively enroll more than 530,000 student-athletes. We strongly believe that clear, consistent, and uniform eligibility standards would best serve today's student-athletes instead of a patchwork of conflicting state laws and court decisions. To that end, President Trump's order provides a clear, national standard," NCAA President Charlie Baker said.

The Board of Governors also directed staff to help all member schools foster respectful and inclusive collegiate athletic cultures. Following student-athlete leadership direction, the NCAA [recently updated its Mental Health Best Practices](#). The NCAA requires all schools to make mental health services and resources available to all

student-athletes consistent with the [Mental Health Best Practices](#).

"The updated policy combined with these resources follows through on the NCAA's constitutional commitment to deliver intercollegiate athletics competition and to protect, support and enhance the mental and physical health of student-athletes," Baker said. "This national standard brings much needed clarity as we modernize college sports for today's student-athletes." Visit ncaa.org for more on the NCAA's mental health initiatives and resources to support respectful and inclusive collegiate athletic cultures.

Learn more about the NCAA's [mental health initiatives](#) and [resources to support respectful and inclusive](#) collegiate athletic cultures.

More about the updated [participation policy for transgender student-athletes](#):

NCAA men's sports:

Regardless of sex assigned at birth or gender identity, a student-athlete may participate (practice and competition) in NCAA men's sports, assuming they meet all other NCAA eligibility requirements.

*Student-athletes taking a banned substance (e.g., testosterone) must complete the medical exception process.

NCAA women's sports:

A student-athlete assigned male at birth may not compete for an NCAA women's team.

A student-athlete assigned male at birth may practice on an NCAA women's team and receive all other benefits applicable to student-athletes. Division I leadership is planning to adopt roster limits in place of scholarship limits and new practice squad policies are still in development.

A student-athlete assigned female at birth who has begun hormone therapy (e.g., testosterone) may not compete on a women's team. If such competition occurs, the team will be subject to NCAA mixed-team legislation, and the team will no longer be eligible for NCAA women's championships.

A student-athlete assigned female at birth who has begun hormone therapy (e.g., testosterone) may continue practicing with a women's team and receive all other benefits applicable to student-athletes.

Individual schools have the autonomy to determine athletics participation on their campuses.

NCAA schools are subject to local, state and federal legislation and such policy supersedes the rules of the NCAA.

Sports with mixed men's and women's NCAA championships are exempt from this policy (e.g., rifle).

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CAUSE NO. DC-2024-CV-1835

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IN THE DISTRICT COURT

LUBBOCK COUNTY, TEXAS

237TH JUDICIAL DISTRICT

STATE'S APPLICATION FOR TEMPORARY INJUNCTION

EXHIBIT 4

NCAA.org

Participation Policy for Transgender Student-Athletes

Participation Policy for Transgender Student-Athletes

EFFECTIVE IMMEDIATELY AS OF FEBRUARY 6, 2025

Application

The policy outlined below applies to all practice and competition in NCAA sports in which the NCAA conducts championships separated by gender. This includes all NCAA competition (regular season, conference championships, post-season, scrimmages and exhibitions).

As with all other NCAA eligibility criteria, member schools remain responsible for certifying student-athlete eligibility for practice and competition. The application of this policy may not be waived.

Additionally, schools are subject to local, state and federal legislation and such legislation supersedes the rules of the NCAA.

Definitions

- a. NCAA Men's Team: A varsity intercollegiate sports team that meets the qualifications to be considered for NCAA men's championships.
- b. NCAA Women's Team: A varsity intercollegiate sports team that meets the qualifications to be considered for NCAA women's championships.
- c. Mixed Team: A varsity intercollegiate team on which at least one individual of each sex assigned at birth competes. Per NCAA legislation, mixed teams are only eligible for NCAA men's championships.
- d. Sex Assigned at Birth: The male or female designation doctors assign to infants at birth, which is marked on their birth records.
- e. Gender Identity: An individual's own internal sense of their gender (e.g., man, woman, nonbinary).
- f. Transgender: An individual whose gender identity or gender expression is different from their sex assigned at birth.

Policy

1. **NCAA Men's Team**. Regardless of sex assigned at birth or gender identity, a student-athlete may participate (practice and compete) with a men's team, assuming they meet all other NCAA eligibility requirements.
 - o Medical Exception Process. Please note, student-athletes taking a banned substance (e.g., testosterone) must complete the medical exception process.
2. **NCAA Women's Team**.
 - a. Student-athlete assigned male at birth.
 - i. Competition. A student-athlete assigned male at birth may not compete on a women's team.
 - ii. Practice. A student-athlete assigned male at birth may practice on the team consistent with their gender identity and receive all other benefits applicable to student-athletes who are otherwise eligible for practice.
 - b. Student-athlete assigned female at birth.
 - i. Competition. A student-athlete assigned female at birth who has begun hormone therapy (e.g., testosterone) may not compete on a women's team. If such competition occurs, the team is subject to NCAA mixed-team legislation, and the team will no longer be eligible for NCAA women's championships.
 - ii. Practice. A student-athlete assigned female at birth who has begun hormone therapy (e.g., testosterone) may continue practicing with a women's team and receive all other benefits applicable to student-athletes who are otherwise eligible for practice.

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IN THE DISTRICT COURT

LUBBOCK COUNTY, TEXAS

237TH JUDICIAL DISTRICT

STATE'S APPLICATION FOR TEMPORARY INJUNCTION

EXHIBIT 5



NCAA Drug-Testing Manual | 2024-25





BANNED SUBSTANCE CLASSES:

- Stimulants
- Anabolic Agents
- Beta Blockers
(banned for rifle only)
- Diuretics/
Masking Agents
- Narcotics
- Peptide Hormones,
Growth Factors,
Related Substances
and Mimetics
- Hormone and
Metabolic Modulators
- Beta-2 Agonists

**Go to ncaa.org/drugtesting
for examples* under each class.**

**Any substance that is chemically/
pharmacologically related to any of the classes
above, even if it is not listed as an example, also
is banned!*

NCAA NUTRITIONAL/DIETARY SUPPLEMENTS WARNING:

- Nutritional/dietary supplements, including vitamins and minerals, are not well regulated and may cause a positive drug-test result.
- Student-athletes have tested positive and lost their eligibility using nutritional/dietary supplements.
- Many nutritional/dietary supplements are contaminated with banned drugs not listed on the label.
- Any product containing a nutritional/dietary supplement ingredient is taken at the student-athlete's own risk.

QUESTIONS ABOUT MEDICINES AND SUPPLEMENTS?

816-474-7321 or axis.drugfreesport.com (password *ncaa1*, *ncaa2* or *ncaa3*)



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This resource is designed for athletics department staff at NCAA member schools with student-athlete drug-testing responsibilities. The Drug-Testing Manual is reviewed annually by the Committee on Competitive Safeguards and Medical Aspects of Sports.

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2024-25 NCAA Banned Substances

Highlighted text throughout the document indicates further clarification or new information.

The NCAA bans the following classes of substances:

- a. Stimulants
- b. Anabolic agents
- c. Beta blockers (banned for rifle only)
- d. Diuretics and other masking agents
- e. Narcotics
- f. Peptide hormones, growth factors, related substances and mimetics
- g. Hormone and metabolic modulators
- h. Beta-2 agonists

NOTE: This is not a complete or exhaustive list. Any substance that is chemically/pharmacologically related to these classes also is banned. The school and the student-athlete shall be held accountable for all drugs within the banned-substance class regardless of whether they have been specifically identified. Examples of substances under each class can be found at [ncaa.org/drugtesting](https://www.ncaa.org/drugtesting). There is no complete list of banned substances.

Substances and Methods Subject to Restrictions:

- Blood and gene doping.
- Local anesthetics (permitted under some conditions).
- Manipulation of urine samples.
- Tampering of urine samples.
- Beta-2 agonists (permitted only by inhalation with prescription).

Nutritional/Dietary Supplements

When considering use of any nutritional/dietary supplement product, first review the product and its label with your athletics department staff.

- Nutritional/dietary supplements, including vitamins and minerals, are not well regulated and may cause a positive drug test.
- Student-athletes have tested positive and lost their eligibility using nutritional/dietary supplements.
- Many nutritional/dietary supplements are contaminated with banned drugs not listed on the label.
- All nutritional/dietary supplements are taken at the student-athlete's own risk.

Athletics department staff should consider providing guidance to student-athletes about nutritional/dietary supplement use and the importance of having supplement products checked by appropriate staff members before consuming. The NCAA subscribes only to Drug Free Sport AXIS™ for authoritative review of label ingredients in medications and nutritional/dietary supplements.

Contact Drug Free Sport Axis at 816-474-7321 or axis.drugfreesport.com (password ncaa1, ncaa2 or ncaa3).

Many nutritional/dietary supplements are contaminated with banned drugs not listed on the label.



Medical Exceptions Procedures

The NCAA recognizes that some banned substances are used for legitimate medical purposes. Accordingly, the NCAA allows exceptions to be made for those student-athletes with a documented medical history that demonstrates the banned substance is needed as part of an approved medical treatment or therapy plan.

Exceptions may be granted for the following classes of banned substances:

- Stimulants
- Anabolic agents
- Beta blockers
- Diuretics
- Narcotics
- Peptide hormones, growth factors, related substances and mimetics
- Hormone and metabolic modulators
- Beta-2 agonists

Procedures for Requesting a Medical Exception

Student-athletes are encouraged to explore and discuss the availability and appropriateness of alternative non-banned medications and therapies with their medical providers before an exception is requested by the school.

The NCAA will inform the director of athletics regarding the outcome of the exception request. In the event the exception connected to a positive test result is not granted, the school may appeal this action according to section 8.0 of the drug-testing protocol.

Requesting a Medical Exception Pre-Approval (MEPA) for Anabolic Agents, Hormone and Metabolic Modulators, or Peptide Hormones, Growth Factors, Related Substances and Mimetics

Use of medications in banned drug classes requiring pre-approval must be granted by the NCAA before the student-athlete is allowed to participate in competition while taking these medications. The school should submit the NCAA Medical Exception Documentation Reporting Form (located at ncaa.org/drugtesting) to the NCAA along with medical documentation from the prescribing physician supporting the diagnosis and treatment (contact ssi@ncaa.org). The documentation should contain information as to the diagnosis (including appropriate verification of the diagnosis) and medical history.

Requests for exceptions will be reviewed by the medical panel of the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports. If additional documentation is requested by the medical panel, the school must provide the additional document(s) within 90 calendar days of the request.

Requesting a Medical Exception After a Positive Drug Test

The school may request an exception at the time of notification of the positive drug test ("A" sample) by submitting documentation to the NCAA-designated drug-testing agency.

If the school fails to provide medical documentation (including a prescription that would have been active as of the test date) to the NCAA-designated drug-testing agency before the "B" sample is reported as positive to the school, the school will be required to withhold the student-athlete from competition until such time as the documentation is received and reviewed, and a decision is rendered. If additional documentation is requested by the medical panel, the school must provide the additional document(s) within 90 calendar days of the request.

Drug Education Guidelines

The NCAA is committed to supporting membership efforts to prevent drug and alcohol abuse. NCAA Bylaws 12 (Division I) and 14 (Divisions II and III) require the director of athletics or their designee to disseminate an annual list of banned drug classes to all student-athletes, including student-athletes who transfer mid-year, and to educate them about products that might contain banned substances. Schools should consider providing the same kind of education to athletics administrators, coaches, compliance officers and sports medicine personnel. Campus colleagues working in alcohol- and other drug-prevention programs may provide additional support for athletics department efforts.

The NCAA provides [resources](#) that outline recommended approaches and evidence-based resources that may help athletics administrators address alcohol, cannabis, prescription drug misuse and more.

The following considerations provide a sample drug-education framework that can help member schools conduct adequate drug education for their student-athletes.

Start of Academic Year:

- Ensure that student-athletes sign drug-testing consent and other NCAA-required annual compliance forms.
- Provide student-athletes with a copy of the written drug-testing policies as outlined above.
- Verbally explain all relevant drug-testing policies with student-athletes and staff:
 - NCAA banned-substance classes and a reminder that all related compounds under each class are banned, regardless of whether they are listed as an example.
 - NCAA drug-testing policies and consequences for testing positive, including failure to show, manipulation or tampering with a urine sample.
 - Warnings related to the risks of using nutritional/dietary supplements.
 - NCAA tobacco use ban during practice and competition ([Divisions II and III only](#)).
 - Conference and institutional drug-testing program policies as applicable.
 - Alcohol, cannabis, tobacco and other recreational substance use policies and institutional sanctions for violations, as applicable.

Suggested Guidelines for Student-Athlete Drug Education:

- Develop and update written policies that address alcohol, cannabis, tobacco and other recreational substances inclusive of, among other topics:
 - Drug testing.
 - Usage disclosures.
 - Discipline.
 - Counseling or treatment options.
 - The fact that nutritional/dietary supplements are not well regulated, that use may result in a positive test and they are taken at the student-athlete's risk.
 - The importance of consulting with athletics department staff prior to taking any nutritional/dietary supplement.
- Review NCAA, conference and institutional drug-testing program policies and incorporate necessary updates into department materials.
- Include the NCAA list of banned-substance classes and NCAA written policies as part of the student-athlete handbook or related materials.
- Identify NCAA, conference and institutional rules regarding the use of alcohol, cannabis, tobacco and narcotics, performance-enhancing substances and nutritional/dietary supplements, and consequences for violating rules as part of student-athlete educational materials.
- Display posters and other NCAA, conference and institutional educational materials in high-traffic areas.
- Repeat the verbal messaging delivered at the start of the academic year at the start of each academic term and periodically during team meetings throughout the year to reinforce messaging and underscore accessibility of information for all student-athletes.
- Provide student-athletes with access to supplemental drug-education materials and opportunities including those resources provided at ncaa.org/drugtesting.

NCAA legislation requires schools to educate student-athletes about banned substances and the products that may contain them.

NCAA Drug-Testing Procedures

NCAA schools have, since 1986, affirmed their dedication to the ideal of fair and equitable intercollegiate competition at their championships and postseason football games through their support of the NCAA drug-testing program. To facilitate the protection of competing student-athletes – specifically, so that no one participant might have an artificially induced advantage or feel pressured to use substances or methods to gain an unfair competitive advantage – the NCAA drug-testing program was created. This program provides for year-round, championships and postseason football games drug testing.

All NCAA member schools are subject to NCAA drug testing. The NCAA drug-testing program involves urine collection and laboratory analyses for substances on a list of banned-substance classes. This list consists of substance classes generally purported to be performance enhancing and/or

potentially harmful to the health and safety of the student-athlete. Notably:

- Student-athletes are held responsible for their use of all banned substances at all times.
- While the NCAA may test for any banned substance at any time, it will generally test for anabolic agents, hormone and metabolic modulators, diuretics and masking agents, peptide hormones, growth factors and related substances and mimetics during the year-round testing program. In championships and postseason football games, the NCAA also will include testing for beta-2 agonists, beta blockers (in rifle), stimulants and narcotics.
- Other testing occasions, such as reinstatement tests, follow-up tests and breach of protocol, may include testing for all banned-substance classes.



Student-athletes are held responsible for their use of all banned substances at all times.

1.0. Banned Substances

1.1. The NCAA bans substances by class. Related compounds are included in the class due to their pharmacological action and/or chemical structure. No substance in a banned-substance class may be used regardless of whether it is specifically listed as an example, unless specifically exempted.

1.1.1. The definition of positive for the following substances is based on the potential for creating a pharmacologic advantage: for caffeine, if the concentration in urine exceeds 15 micrograms/ml; for GW1516, if the concentration in urine exceeds 0.1 ng/ml; for testosterone, if the administration of testosterone or use of any other substance or manipulation has the result of increasing testosterone, or the ratio of testosterone to epitestosterone, or results in an adverse finding in confirmation testing.

1.1.2. Evidence of the presence of a banned substance and/or metabolite in a student-athlete's urine will be determined by an NCAA-designated WADA-accredited laboratory for the analysis of human doping control samples.

1.2. The current NCAA list of banned-substance classes is available in Chapter 1 of this resource and at ncaa.org/drugtesting. In addition, other substances may be screened to gather data for making decisions as to whether additional substances should be added to the list of banned-substance classes.

2.0. Drug-Testing Administration

2.1. The NCAA Board of Governors has final authority over the procedures and implementation of the NCAA drug-testing program.

2.2. CSMAS will recommend policies and procedures to the Board of Governors and will conduct drug-testing appeals.

2.2.1. Members of CSMAS and/or other experts and stakeholders delegated by it may be called upon for consultation and input during an appeal.

2.3. The NCAA president or their designee will approve any contracts between the NCAA and an independent drug-testing agency. The current NCAA-designated drug-testing agency is Drug Free Sport International. The NCAA-designated drug-testing agency will support, coordinate and be responsible for the general administration of the drug-testing program, including the designation, training and certification of doping control officers (DCO), determination of drug-testing sites and contracting with NCAA-designated drug-testing laboratories.

2.3.1. DCOs may not participate in testing at a school at which they are employed.

2.3.2. Any drug-testing laboratory(ies) will be required to demonstrate, to the satisfaction of CSMAS, proficiency in detection and confirmation of NCAA banned substances.

2.4. The host school for an NCAA championship or the school(s) involved in a year-round testing event will designate an individual to serve as site coordinator.

2.4.1. A site coordinator at an NCAA championship may not concurrently serve in any other capacity during drug testing (e.g., director of medical coverage).

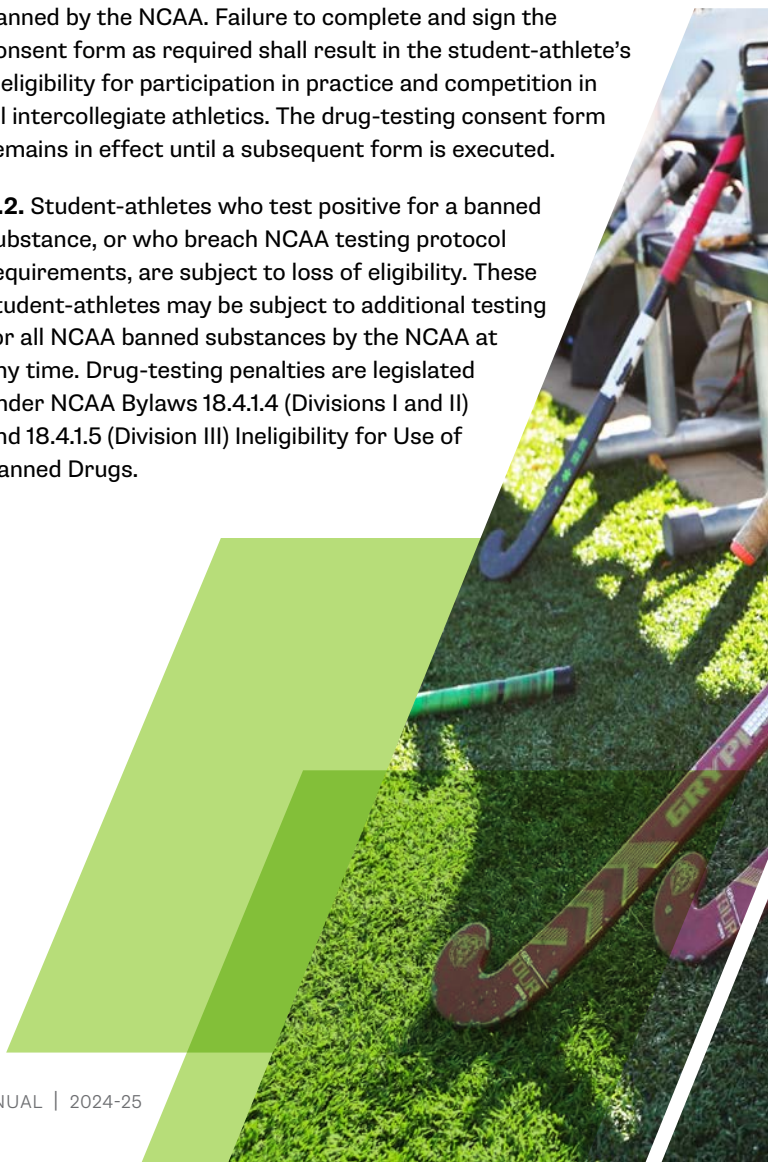
2.5. Specimen collection by organizations other than those authorized by the NCAA is not allowed at NCAA drug-testing events and postseason football games.

2.5.1. Any individual or school that requests drug testing outside of NCAA prescribed testing, (e.g., in order to certify world and national records) will be responsible for covering the costs and expenses related to such testing.

3.0. Causes for Loss of Eligibility

3.1. As required in NCAA bylaws, each academic year, each member school shall administer the consent form to its student-athletes (including partial qualifiers and non-qualifiers) and each student-athlete shall sign a drug-testing consent form in which the student-athlete consents to be tested for substances banned by the NCAA. Failure to complete and sign the consent form as required shall result in the student-athlete's ineligibility for participation in practice and competition in all intercollegiate athletics. The drug-testing consent form remains in effect until a subsequent form is executed.

3.2. Student-athletes who test positive for a banned substance, or who breach NCAA testing protocol requirements, are subject to loss of eligibility. These student-athletes may be subject to additional testing for all NCAA banned substances by the NCAA at any time. Drug-testing penalties are legislated under NCAA Bylaws 18.4.1.4 (Divisions I and II) and 18.4.1.5 (Division III) Ineligibility for Use of Banned Drugs.



3.3. Breach of Protocol. A student-athlete will be considered to be in breach of protocol and treated as if they tested positive for a banned substance other than cannabinoids and narcotics if the student-athlete:

- Fails to arrive at the collection station without legitimate justification as determined by the NCAA-designated drug-testing agency;
- Fails to provide a urine specimen according to collection procedures;
- Leaves the collection station without authorization from the DCO before providing a specimen according to protocol; or
- Attempts to alter the integrity of the collection process.

A breach of protocol will be documented by the DCO.

3.4. Tampering. Where it is identified by the NCAA or its designated drug-testing agency that a student-athlete was involved in tampering (e.g., urine substitution or related methods) with an NCAA drug-test sample, and the incident is supported by student-athlete admission, clear observation or other highly irrefutable evidence, the student-athlete shall be charged with the loss of eligibility **per NCAA legislation**.

4.0. Drug-Testing Selections

4.1. The NCAA drug-testing plan will be reviewed by CSMAS at least once annually. The selection of championship events at which drug testing will occur shall be determined by the Board of Governors or the president/NCAA chief medical officer acting on behalf of the Board of Governors.

4.2. Upon a published or official report involving conviction for possession or distribution of banned substances by a student-athlete, coach or athletics staff, or those closely associated with the athletics program, or in the event multiple student-athletes from a single program have tested positive at an NCAA testing event, the NCAA may elect to test any student-athlete from that school for all banned substances.

Failure to complete and sign the consent form as required shall result in the student-athlete's ineligibility for participation in practice and competition in all intercollegiate athletics.

4.3. Student-athletes who have tested positive or provided multiple dilute samples at a testing event may be tested at any time, including, but not limited to, a championship or postseason football game at which they appear and at which drug testing is being conducted, and at any year-round testing event.

4.3.1. It is the responsibility of the school to notify the DCO that a student-athlete who is present on site must be tested to satisfy Section 4.3.

4.4. Student-athletes who are ineligible as a result of an NCAA positive drug test or a breach of protocol may be tested for all banned substances by the NCAA at any time during their period of ineligibility.

4.5. Selection of Student-Athletes for Year-Round Testing.

4.5.1. Student-athletes competing in Divisions I and II sports are subject to year-round testing.

4.5.2. In year-round testing events, the timing of testing and selection of tested individuals may be random or specific to sport, position, competitive ranking, athletics financial-aid status, playing time, directed testing or any other NCAA-approved selection method.

4.5.2.1. For selections of student-athletes during on-campus year-round testing, the school is responsible for providing the official eligibility checklist or squad list, or complete roster if the first outside competition has not yet occurred.

4.5.2.2. For year-round summer drug testing, student-athletes will be selected from the official eligibility checklist or squad list, or other approved list.

4.5.3. Student-athletes who appear on one of the lists in 4.5.2.1. will not be selected for drug testing if the NCAA-designated drug-testing agency is notified prior to the testing date that they:

- Have been cut or dismissed from their team;
- Have exhausted eligibility in the sport;
- Have graduated;
- Have a medical waiver resulting from career- ending injury or illness;
- Have quit the team; or
- Have withdrawn from the school.

All other student-athletes with remaining NCAA eligibility (including partial qualifiers, nonqualifiers, those with season-ending injuries and student-athletes who have expressed interest in transferring schools) are subject to testing.

4.5.4. A student-athlete who is no longer on the team (voluntarily or involuntarily) before notification of their selection for NCAA drug testing, and was on the school's eligibility checklist or squad list without being identified as no longer on the team, may not participate in NCAA competition until completion of an NCAA drug test. This test will be administered by the NCAA-designated drug-testing agency in each case at the school's expense.

4.6. Selection of Student-Athletes at NCAA Championships and Postseason Football Games.

4.6.1. All student-athletes are subject to NCAA testing at NCAA championships or in conjunction with postseason football games.

4.6.2. Student-athletes may be tested before, during or after NCAA championship events and postseason football games.

4.6.3. At NCAA team championships and postseason football games, the timing of testing and selection of tested individuals may be random or specific to position, competitive ranking, athletics financial-aid status, playing time or any other NCAA-approved selection method.

4.6.3.1. For team championship and postseason football game testing, student-athletes may be selected from the official travel party roster, official gate/credential list, championship participation sheets or other approved forms.

4.6.4. At NCAA individual championship events, timing of testing and selection of tested individuals may be random or specific to competitive ranking, random selection, position of finish or other NCAA-approved selection method.

4.6.5. Student-athletes in their final year of eligibility, and/or those who did not compete, who are listed in one of the criteria identified in 4.6.3 and 4.6.4, are subject to NCAA drug testing.

5.0. Drug-Testing Notifications

5.1. Notification of Schools for Year-Round Testing.

5.1.1. For on-campus year-round testing, the NCAA-designated drug-testing agency will send notifications to the director of athletics, compliance administrator and drug-testing site coordinator not earlier than two calendar days before the day of testing. For off-campus summer testing, schools will not receive advance notification. For no-advance notice testing, refer to the NCAA Year-Round Drug-Testing Site Coordinator Manual.

5.2. For year-round testing events and upon request, the director of athletics or their designee will be required to provide an accurate and current eligibility checklist or squad list to the NCAA-designated drug-testing agency.

5.3. Notification of Student-Athletes for Year-Round Testing.

5.3.1. The school is responsible for notifying all student-athletes about testing selection and details for on-campus year-round testing events. The designated DCO will be responsible for notifications for off-campus summer testing.

5.3.1.1. For on-campus year-round testing, student-athletes will be notified in person or by direct telephone communication of the date, time to report and location of the testing event. Student-athletes must read and sign the NCAA Student-Athlete Notification Form.

5.3.1.2. Student-athletes shall be required to verify their identity by providing picture identification when entering the collection station.

5.3.2. For on-campus year-round testing, a school representative will be present in the collection station and remain until the completion of testing for purposes of verifying the identity of tested student-athletes and acting in the capacity as a school observer with respect to testing procedures.

5.4. Notification of Host Schools/Local Organizing Committee (LOC) and NCAA Administrators for NCAA Team Championship Testing.

5.4.1. The championship event manager, championship event drug-testing site coordinator and the NCAA championship administrator will be notified before the first day of testing.

5.5. Notification of Competing Schools for NCAA Team Championship Testing.

5.5.1. A school representative will be notified no earlier than two hours before the start of scheduled competition that drug testing will take place.

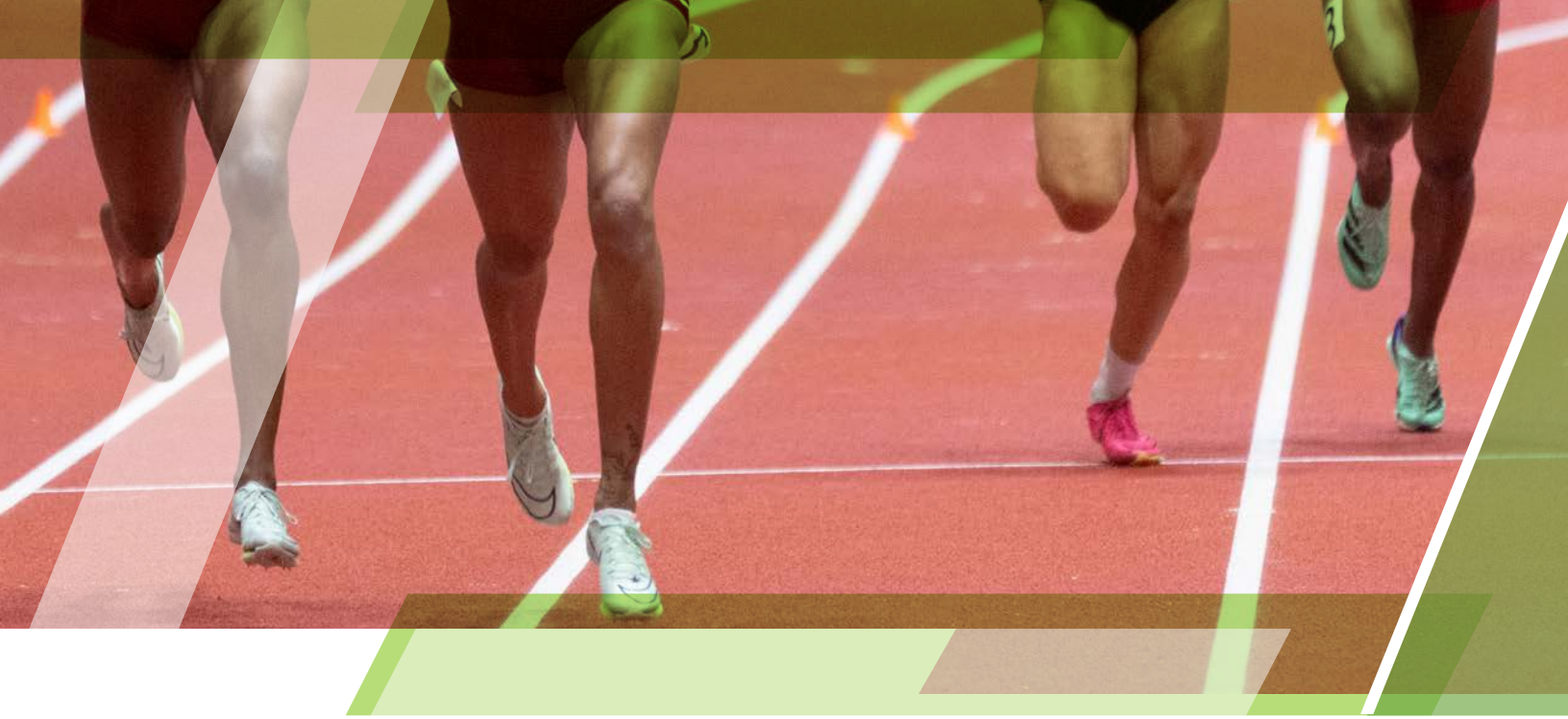
5.5.2. At NCAA team championship events, a separate collection site will be provided for each team. Immediately after any NCAA-established postgame cool-down period, student-athletes selected for drug testing will be notified by a DCO or their designee. Each student-athlete will be instructed to read and sign the Team Championship Student-Athlete Notification Form. The student-athlete will be instructed to report to the collection station within one hour of notification, unless otherwise directed by the DCO or their designee.

5.5.3. A school representative must report to the collection station for purposes of assisting with the verification of the identities of selected student-athletes, and remain in the collection station until all selected student-athletes have completed testing.

5.5.4. At any NCAA team championship event other than a final round, when competition begins at 10 p.m. or later local time, a school may defer testing for all selected student-athletes until the next morning; provided such decision must be made and communicated to the DCO immediately after the game. Deferred testing must begin for all selected student-athletes no later than noon local time.

5.5.4.1. The host school/LOC will identify collection sites that can be used for deferred tests as part of the coordination of broader championship hosting activities.

5.6. Notification of Student-Athletes for NCAA Team Championship Testing.



5.6.1. The DCO or their designee will present to the **school** representative the list of selected student-athletes who will be tested.

5.6.2. The **school** representative and the DCO or their designee will coordinate the location where notification of the student-athletes will occur (e.g., in locker room, on field of play, etc.).

5.7. Notification of Host Schools/LOC and NCAA Administrators for NCAA Individual Championships Testing.

5.7.1. The championships event manager, championships event drug-testing site coordinator and the NCAA championships administrator will be notified before the first day of testing.

5.8. Notification of Competing Schools for NCAA Individual Championships Testing.

5.8.1. Schools will not be notified in advance whether testing will occur or not occur at individual championships.

5.9. Notification of Student-Athletes for NCAA Individual Championships Testing.

5.9.1. At NCAA individual championships events, student-athletes will be notified of their selection for drug testing and will sign an **Individual Championship Student-Athlete Notification Form**. The student-athlete will be instructed to accompany a courier to the collection station within one hour of notification, unless otherwise directed by the DCO or their designee.

5.9.2. The DCO or their designee will direct the selected student-athlete to test immediately, to defer testing until the completion of their final event of that session or day or to defer testing until the completion of their final event of the championship.

5.9.3. The courier and selected student-athlete will obtain a **school** representative's signature on the notification form if testing is deferred until completion of the student-athlete's

final event of that session or day, or completion of their final event of the championship. A **school** representative must present the student-athlete to the collection station and certify identification of the student-athlete no later than one hour after completion of their final event of the session or day, or final event of their championship.

6.0. Specimen Collection Procedures

6.1. Only those persons authorized by the DCO will be allowed in the collection station. **To maintain confidentiality, audio or video recording of any portion of the collection process is not permissible.**

6.2. Any student-athlete with an academic obligation that conflicts with a scheduled testing time may **postpone** testing by notifying the DCO and requesting to reschedule. A **school representative and/or** student-athlete may also request to reschedule testing time, and the DCO may in their discretion agree to reschedule testing, for any reason previously approved by the NCAA-designated drug-testing agency, sickness, injury or a desire to avoid interruption of a previously scheduled competition event.

In all cases, the DCO will identify, document and communicate to the student-athlete and school the arrangements for the rescheduled test.

6.3. Upon entering the collection station, the identification of the student-athlete will be verified by the DCO or their designee and/or school representative as applicable.

6.3.1. The DCO or their designee will instruct the student-athlete to select a sealed specimen collection container and attach a unique barcode to the collection container.

6.3.2. The DCO or their designee will direct the student-athlete to rinse and dry their hands and to provide the specimen using the collection container.

6.3.3. The DCO or their designee will fully observe the provision of the student-athlete specimen.

6.3.4. The student-athlete will be responsible for keeping the collection container closed and controlled.

6.3.5. The school may elect to make food and/or hydration beverages available to testing student-athletes in the collection station; provided they are caffeine-free, alcohol-free and free of all banned substances and delivered in individual sealed containers. All such food/beverages must only be opened and consumed while the student-athlete is in the collection station.

6.4. In the event a tested student-athlete provides an incomplete specimen, they must remain in the collection station and retain the closed collection container until a complete specimen can be provided unless otherwise directed by the DCO.

6.4.1. If a student-athlete must leave the collection station for a reason approved by the DCO, the partial specimen may be discarded at the discretion of the DCO.

6.4.1.1. Upon return to the collection station, the student-athlete will continue the collection procedure.

6.4.1.2. At individual championship events, if the student-athlete has produced a partial urine sample and must leave the collection station for a reason approved by the DCO, the DCO may temporarily defer the student-athlete's collection until they return. The student-athlete's partial sample will be securely packaged with tamper-evident seals and remain with the DCO in the collection station. Upon return, the student-athlete will verify the integrity of the sample prior to resuming their collection.

6.5. Once a specimen is provided, the DCO, or their designee, who observed the provision of the specimen, will sign that the specimen was validated, and a DCO, or their designee, will check the specific gravity of the urine in the presence of the student-athlete.

6.5.1. If the specific gravity of the urine specimen is adequate, as determined by the DCO, the specimen will be processed and sent to the NCAA-designated drug-testing laboratory.

6.5.1.1. If the DCO determines the specific gravity of the urine specimen to be inadequate, it will not be sent to the lab unless otherwise directed by the NCAA-designated drug-testing agency. The student-athlete must remain in the collection station until an adequate specimen is provided, unless otherwise directed by the DCO.

6.5.1.2. Final determination of specimen adequacy is determined by the NCAA-designated drug-testing laboratory.

6.5.1.2.1. If the NCAA-designated drug-testing laboratory determines that a student-athlete's specimen is inadequate for analysis, the student-athlete may be required to provide another specimen.

6.6. Once a specimen has been provided that meets the on-site specific gravity criteria, the DCO or their designee will instruct the student-athlete to select a specimen collection kit and a uniquely numbered set of barcodes.

6.7. The DCO or their designee will record the specific gravity and the DCO or their designee will split the specimen into the "A" vial and the "B" vial in the presence of the student-athlete. The DCO or their designee will place the cap on each vial and then seal each vial with the barcode selected by the student-athlete under the observation of the student-athlete.

6.8. The DCO will secure all sealed vials for shipping.

6.9. Sealed vials shall only be identified via unique barcode numbers and will not contain student-athlete name, school or any other personally identifiable information.

6.10. The student-athlete, DCO or their designee, and any participating permitted witness will sign the custody and control form, certifying that the procedures were followed as described in the Drug Testing Manual.

6.10.1. In the event that the tested student-athlete or a permitted witness alleges any deviation from the procedures, the DCO will document the alleged deviations and will instruct the student-athlete to provide another specimen.

6.11. After the collection has been completed, the DCO will forward the specimen(s) to the NCAA-designated drug-testing laboratory.

6.12. All specimens are considered to be the exclusive property of the NCAA.

7.0. Chain of Custody

7.1. The DCO will deliver the completed test specimen(s) to the carrier or directly to the NCAA-designated drug-testing laboratory.

7.2. A laboratory employee will record that the specimen(s) has been received.

7.3. The laboratory will record whether the numbered barcode seal on each vial arrived intact.

7.3.1. If a vial arrives at the laboratory with security seals not intact, the student-athlete may be required to provide another specimen.

7.4. The laboratory will document the various procedural steps of specimen analysis that occur at the laboratory.

7.5. In the event of any deviation from standard chain of custody or laboratory procedure, the tested student-athlete may be required to provide another specimen.

8.0. Laboratory Procedures, Notification of Results and Appeal Process

8.1. Laboratory Procedures. Each vial containing urine will be referenced as sample A and sample B. The laboratory will use a portion of sample A for its initial analysis.

8.1.1. Any analysis result showing a banned substance and/or metabolite(s) in sample A will be reviewed and verified by the laboratory director or certifying scientist.

8.1.2. The laboratory will communicate all analysis results to the NCAA-designated drug-testing agency using specimen barcode numbers.

8.2. Notifications. Upon receipt analysis of results, the NCAA-designated drug-testing agency will use the barcode information to identify any individuals with positive findings.

8.2.1. For NCAA individual championships, the NCAA-designated drug-testing agency will communicate all positive test results to the director of athletics and/or their designee at the applicable member school within 45 days of specimen collection barring any unforeseen delays.

8.2.2. The NCAA-designated drug-testing agency will also notify the school that sample B will be tested and will describe the options for student-athlete representation during applicable sample B testing procedures.

8.2.3. The student-athlete's eligibility may be maintained until the NCAA-designated drug-testing agency notifies the school of the confirmed positive sample B results. The school shall, without delay, notify the student-athlete of the findings and secure the student-athlete's preference for representation during applicable sample B procedures. Permitted representatives include the student-athlete, an individual attending on the student-athlete's behalf and/or a lab surrogate.

8.2.4. The school shall notify the NCAA-designated drug-testing agency of the student-athlete's sample B procedural representation preference in accordance with the following timelines:

- Year-round testing outside of championships/postseason football games: within two business days of institutional receipt of positive test results.
- Reinstatement testing: within two business days of institutional receipt of positive test results.
- Championship/Postseason football games testing where team/student-athlete is not advancing: within two business days of institutional receipt of positive test results.

- Championship/Postseason football games testing where team/student-athlete is advancing: within 24 hours of institutional receipt of positive test results.

8.2.5. The NCAA-designated drug-testing agency will provide the school with sample B testing details and the school will provide them to the student-athlete and any identified representatives.

8.2.6. In the event the school does not inform the NCAA-designated drug-testing agency about the student-athlete's representation preference within the required time frame, the sample B procedures will be conducted in the presence of a lab surrogate.

8.2.7. The student-athlete, student-athlete's representative, the school's representative or the lab surrogate will attest by signature as to the identity of the barcode on sample B, that the security seal has not been broken, and that there is no evidence of tampering of the sample.

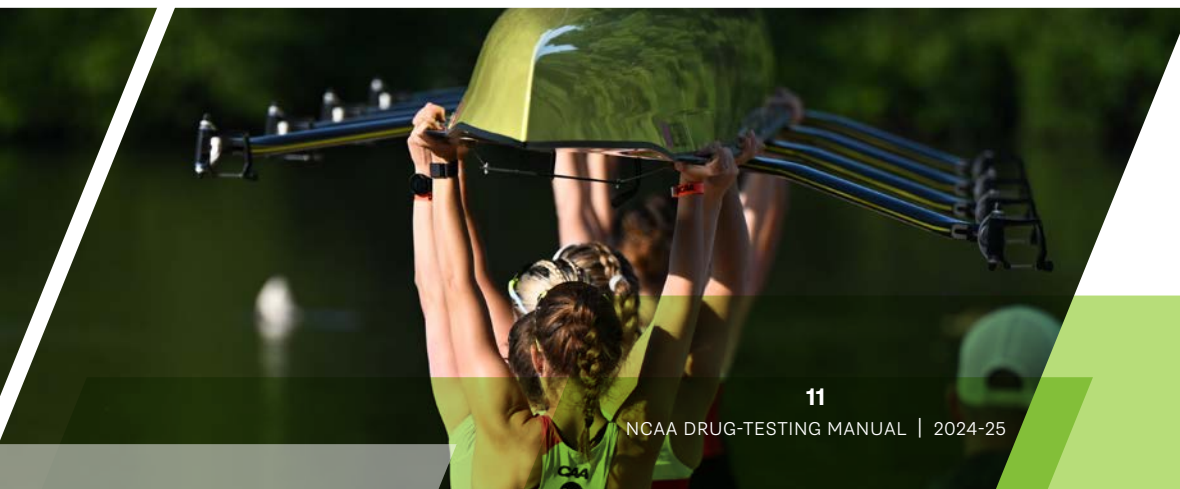
8.2.8. The NCAA-designated drug-testing agency representative will direct the laboratory on how to proceed with the analysis of sample B.

8.2.9. Sample B findings will be considered final such that no additional specimen analysis will be permitted. The laboratory will inform the NCAA-designated drug-testing agency of all sample B findings.

8.2.9.1. In the event of a positive sample B finding, the NCAA-designated drug-testing agency will contact the director of athletics and/or their designee at the applicable school and the school shall subsequently notify the student-athlete of the finding, declare the student-athlete ineligible, withhold the student-athlete from all intercollegiate competition and ensure the appropriate implementation of all other related NCAA eligibility procedures.

8.2.10. In the event that a student-athlete tests positive for a substance for which a medical exception may be granted ([see Medical Exceptions](#)) and the school has properly submitted an exception request and all required documentation to the NCAA-designated drug-testing agency before it is notified of the sample B findings, the eligibility of the student-athlete may be maintained while the exception request is under review.

8.2.10.1. If the medical exception is not granted, the school may appeal this action. Within two business days of the school's receipt of the denied medical exception request, its director of athletics and/or their



designee must, upon request by the student-athlete, notify the NCAA-designated drug-testing agency of the student-athlete's intent to appeal (see 8.3 for additional requirements associated with the appeal process).

8.3. Appeals. The school shall notify the student-athlete of the right to appeal a positive sample B finding. Within two business days of the school's receipt of the positive sample B findings, its director of athletics and/or their designee must, upon request by the student-athlete, notify the NCAA-designated drug-testing agency of the student-athlete's intent to appeal. The appeal request will be reviewed and an outcome will be determined by CSMAS. The student-athlete will remain ineligible pending the outcome of the appeal. Unless an extension is previously approved by the Drug-Testing Subcommittee Chair, the school must submit all appeal documentation to the NCAA-designated drug-testing agency within 45 calendar days of its delivery of the notice of intent to appeal. Appeals will be scheduled as soon as practicable, taking into consideration impending dates of competition and other relevant NCAA, school and student-athlete scheduling factors provided all required documentation as outlined in the [Drug-Testing Appeals Process](#) has been properly submitted. Copies of the lab results will be provided to the director of athletics and/or their designee as part of the appeal process and prior to the date of appeal. Any student-athlete who has tested positive for the same banned substance on subsequent occasions may request an administrative review in lieu of an appeal where they believe the subsequent positive test can be attributed to declining values. The decision to conduct an administrative review in lieu of an appeal shall be at the discretion of the Drug-Testing Subcommittee chair.

8.3.1. All appeals will start with a written review by at least three members from CSMAS Drug-Test Appeal Subcommittee. The members will review the school's submitted documentation ([see checklist](#)) and consider legislation, committee guidelines, policies and procedures, case precedent, asserted mitigation and other relevant information to render a final decision or to elevate the review to an oral hearing. Should the Drug-Test Appeal Subcommittee members elevate the review to an oral hearing it will be conducted by teleconference and arranged by the NCAA-designated drug-testing agency. Additional information about the NCAA drug-testing appeal procedures can be found at ncaa.org/drugtesting. CSMAS may consult or include third party subject matter experts during the appeal teleconference or other portions of the appeal process for purposes of evaluating the appeal request and related facts and information provided as part of the appeal documentation. Once a decision is rendered, NCAA staff will notify the school's director of athletics or their designee of the final outcome of the student-athlete's appeal and the school shall subsequently inform the student-athlete of the final outcome.

8.3.1.1. If an appeal is denied, the student-athlete remains ineligible.

8.3.1.2. If an appeal is granted, the student- athlete will be required to participate in a new NCAA-administered drug test, conducted at the school's expense, and must produce a negative test result prior to being permitted to return to eligibility for competition.



8.3.2. Appeal decisions are considered final. In the event that new material information relevant to the student-athlete's responsibility for testing positive becomes evident, the school may request that the Drug-Test Appeal Subcommittee reopen the appeal, in which case the chair of the appeal panel will determine, in their discretion, whether the new information is relevant material and could not have been reasonably ascertained prior to the time of the appeal call so as to warrant a justifiable need to reopen the appeal. As part of the review of a request to reopen, or in the event the appeal is reopened, the chair or any member of the appeal panel may request additional information from the student-athlete, the school or any third-party consultant.

8.3.3. The NCAA may release the student-athlete's test results to the involved school's conference office upon the approval of the school.

9.0. Restoration of Eligibility

9.1. Student-athletes must participate in an NCAA-administered drug test, at the school's expense, and produce a negative test result for all banned drug classes in order to restore eligibility following a prior positive drug test.

9.2. This exit test, which includes testing for all NCAA banned substances, shall be initiated by the school by submitting a request to the NCAA-designated drug-testing agency not sooner than 6 weeks prior to the end of the applicable student-athlete eligibility suspension period. Exit tests will be scheduled by the NCAA-designated drug-testing agency within 2-4 weeks of its receipt of a request.

A school receiving inquiries concerning a positive test that results in a student-athlete's ineligibility may elect to consider the following response:

“The student-athlete in question was found to be in violation of NCAA eligibility rules and has been declared ineligible.”



Institutional Drug Testing

The following are suggested guidelines for consideration by NCAA member schools contemplating an in-house drug-testing program:

1. Consider consulting with legal, risk management and other applicable campus departments at an early stage.
2. Consider developing, distributing and publicizing written policies that will govern testing procedures and that address relevant topics such as: (a) the purposes of the drug-testing program; (b) who will be tested and by what methods; (c) the substances to be tested for, how often and under what conditions (announced, unannounced or both); and (d) the actions to be taken in response to a positive test. Consider sharing a copy of the policy with all student-athletes entering the school's intercollegiate athletics program and confirming that they have an adequate opportunity to read and ask questions about the policy.
3. Because the scope of the NCAA Drug-Testing Consent Form is limited to NCAA-conducted drug testing activities, consider and consult with legal, risk management and other applicable campus departments about the extent to which other student-athlete consents may be required and how best to implement and incorporate those activities into other institutional practices.
4. Consider proactively exploring the various logistical, technical and economic questions that can arise in connection with campus drug-testing including, among others:
 - a. When and how will samples be collected, secured and transported?
 - b. Which laboratory(ies) will be used and which certifications/accreditations will be required?
 - c. How will samples be stored and for how long before analysis?
 - d. Which analytical methods will be used in the laboratory?
 - e. Cost?
 - f. How will test results be reviewed and validated?
 - g. How will medical exceptions and appeals be handled?
 - h. Who will receive the results and how will the results be used?
5. Consider involving and soliciting input from stakeholders in various relevant academic departments and disciplines across campus (e.g., pharmacy, pharmacology, chemistry, medicine).

ARTICLE 10.2 KNOWLEDGE OF USE OF BANNED SUBSTANCES

A member school's athletics department staff members or others employed by the intercollegiate athletics program who have knowledge of a student-athlete's use at any time of a substance within the banned-substances classes, as set forth in [NCAA legislation](#), shall follow institutional procedures dealing with substance misuse or shall be subject to disciplinary or corrective action as set forth in Bylaw 19.

REPORT ALL MEDICINES

DON'T PLAY WITH YOUR ELIGIBILITY



NOTE: Some medications contain NCAA banned substances. Report all over-the-counter and prescription medicines – including ADHD medications – to your primary athletics health care provider (e.g., team physician, athletic trainer). Visit ncaa.org/drugtesting for more information.



SPORT SCIENCE
INSTITUTE™

CAUSE NO. DC-2024-CV-1835

THE STATE OF TEXAS,

Plaintiff,

v.

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION,

Defendants.

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§

IN THE DISTRICT COURT

LUBBOCK COUNTY, TEXAS

237TH JUDICIAL DISTRICT

STATE'S APPLICATION FOR TEMPORARY INJUNCTION

EXHIBIT 6



movement advancement project ▶



Identity Document Laws and Policies: Gender Markers on Birth Certificates

No updates required since January 17, 2024

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To receive regular updates, subscribe here: <http://bit.ly/map-newsletter>

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<https://mapresearch.org/donate>

Recommended citation:

Movement Advancement Project. [Year of access]. “Equality Maps: Identity Document Laws.”
www.mapresearch.org/equality-maps/identity_documents. Accessed [Date of access].



Background

Birth certificate laws govern the process by which a state changes (or refuses to change) a gender marker on a person's birth certificate. Many transgender people choose to revise the gender marker on their identity documents so that it matches the gender they live every day. Accurate and consistent gender markers on identity documents helps transgender people gain access to public spaces and resources, as well as dramatically reducing the risk they will face violence, discrimination, or harassment. For more information, see [here](#).

Process categories and scoring system:

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.75) State updates birth certificates using an administrative process and documentation of "appropriate treatment" (or similar language)
- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (-0.5) State updates birth certificates using an administrative process but requires proof of surgery
- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (-1) State does not allow changing the gender marker on birth certificates at all

Option categories and scoring system:

- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- (0) State only allows individuals to identify as male or female



movement advancement project ▶

Equality Map & Additional Resources

- See our [Equality Map: Birth Certificate Policies](#), which is updated and maintained in real time alongside this document.
- See our [Equality Map: Driver’s License Policies](#) and [Equality Map: Name Change Policies](#) for related identity document policies.
- MAP’s 2022 report [The ID Divide: How Barriers to ID Impact Different Communities and Affect Everyone](#), detailing the ways that barriers to obtaining an accurate ID significantly impact people’s ability to move through their daily lives and how these obstacles harm specific communities.
 - See the related [Fact Sheet: Identity Documents & Transgender and Nonbinary Communities](#) (2022)
- For more information about each state’s process and requirements, see also the Advocates for Transgender Equality (A4TE, formerly known as NCTE and TLDEF) [ID Documents Center](#).
- See the CDC’s National Center for Health Statistics “[Where to Write for Vital Records](#)” for links to the relevant agencies in all 50 states, D.C., and five U.S. territories.



Summary Tables

Table 1: Summary Matching the Map

Category	States	
State updates birth certificates using an administrative process with no medical documentation requirements <i>(14 states)</i>	California Idaho Illinois Maine Massachusetts Michigan Nevada	New Jersey New Mexico New York Oregon Rhode Island Vermont Washington
State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language) <i>(12 states, D.C., + 1 territory)</i>	Alaska Colorado Connecticut Delaware District of Columbia Hawaii Iowa	Maryland Minnesota North Carolina Pennsylvania Puerto Rico Virginia West Virginia
State has unclear process and/or unclear medical requirements left to the discretion of individual judges <i>(7 states + 3 territories)</i>	<i>Unclear process:</i> American Samoa Indiana South Carolina South Dakota U.S. Virgin Islands	<i>Court order but unclear medical requirements:</i> Mississippi New Hampshire Northern Mariana Islands Ohio Utah
State updates birth certificates using an administrative process but requires proof of surgery <i>(3 states)</i>	Arizona Kentucky Nebraska	
State updates birth certificates but requires both a court order and proof of surgery <i>(8 states + 1 territory)</i>	Alabama Arkansas Georgia Guam Louisiana Missouri North Dakota Wisconsin Wyoming	
States that do not allow for updating the gender marker on a birth certificate at all <i>(6 states)</i>	Florida Kansas Montana Oklahoma Tennessee Texas	



Table 2: Summary of Process vs. Medical Requirements

Process	Medical documentation requirements				
	Unclear or discretion of judge or official	Does not allow	Surgery	“Appropriate treatment” or similar language	No provider documentation
Administrative (form, affidavit, etc)			Arizona Kentucky Nebraska	Alaska Colorado Connecticut Delaware D.C. Hawaii Iowa Maryland Minnesota North Carolina Pennsylvania Puerto Rico Virginia West Virginia	California Idaho Illinois Maine Massachusetts Michigan Nevada New Jersey New Mexico New York Oregon Rhode Island Vermont Washington
Court order	Mississippi New Hampshire Northern Mariana Islands Ohio Utah		Alabama Arkansas Georgia Guam Louisiana Missouri North Dakota Wisconsin Wyoming		
Does not allow		Florida Kansas Montana Oklahoma Tennessee Texas			
Unclear	American Samoa Indiana South Carolina South Dakota U.S. Virgin Islands				



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State-by-State Sources & More Detail

Alabama

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [Alabama Code § 22-9A-19\(d\)](#) (1992), [Form ADPH-HS-33](#), and [A4TE state page](#)

Alaska

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [Department of Vital Records Gender Change Policy](#) and [A4TE state page](#)

Arizona

- (-0.5) State updates birth certificates using an administrative process but requires proof of surgery
- (0) State only allows residents to identify as male or female
- See [Ariz. Rev. Stat. § 36-337 \(A\)\(3\)](#) (2006), [Form VS-41](#), and [A4TE state page](#)

Arkansas

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [Ark. Code Ann. §§ 20-18-307\(d\)](#) (1995) and [A4TE state page](#)

California

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [Hlth. and Safety Code, §§ 103425-103445](#) (2014), Form VS 24B ([English](#); [Spanish](#)), and [A4TE state page](#)

Colorado

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [H.B. 19-1039](#) (2019), [5 CCR 1006-1](#), Department of Public Health’s [Correct or Change a Birth Certificate page](#) and [Sex Designation Form](#), and [A4TE state page](#)



Connecticut

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [Conn. Gen. Stat. § 7-51](#), § 7-36 defining amendment to include matters pertaining to gender change, [HB 7006 / Public Act 15-132](#) (2015), [DPH website](#) and [instructions](#), and [A4TE state page](#)

Delaware

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows individuals to identify as male or female
- See [Del. Administrative Code Title 16 § 4205](#) (2017), DHSS [List of Required Documents](#) (including [Requester’s Affidavit](#) and [Physician Affidavit](#)), and [A4TE state page](#)
- Formerly, (-0.75) state required a court order showing proof of surgical procedure.

District of Columbia

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0.5) State allows individuals to mark M, F, or X on their birth certificate
- See [D.C. Law 20-37](#) (2013), [Gender Designation Application](#) (2021), and [A4TE state page](#)

Florida

- (-1) State does not allow for amending the gender marker on the birth certificate at all
 - As [reported](#) in July 2024, the state is no longer processing gender marker changes on birth certificates. While the state has not publicly provided a new policy to this effect (as of Sept 2024), such changes continue to be denied. This map and factsheet will be updated as more information becomes available.
- (0) State only allows individuals to identify as male or female
- See above, and [A4TE state page](#)
- Formerly, (0.75) state updated birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language). See [www.floridanamechange.org](#) (as early as 2018).

Georgia

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [Ga. Code Ann. § 31-10-23\(e\)](#) (as early as 2006) and [A4TE state page](#)



Hawai`i

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows individuals to identify as male or female
- See [Haw. Rev. Stat. Ann. § 338-17.7\(a\)\(4\)\(B\)](#), Act 226 (2015), [State Instructions for Sex Designation Change](#), and [A4TE state page](#)

Idaho

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0) State only allows individuals to identify as male or female
- See [F.V. v. Jeppesen](#) (August 2020), [IDHW Instructions to Change the Indicator of Sex on an Idaho Birth Certificate](#), and [A4TE state page](#)
- Recent history:
 - [F.V. v. Barron](#) (2018) required Idaho’s Department of Health and Welfare to develop and implement a policy for issuing accurate birth certificates. The new policy was (1) state issued new birth certificate and did not require surgery or court order (see [Idaho Gender Change Packet](#) (2018)).
 - However, [HB509](#) (March 2020) changed the state’s policy to (-1) not allow for amending the gender marker on the birth certificate at all.
 - Then, [F.V. v. Jeppesen](#) (August 2020) overturned HB509, reverting to the state’s earlier policy of (1) issuing new birth certificates and not requiring surgery or a court order.

Illinois

- (1) State updates birth certificates using an administrative process with no medical documentation requirements (2017)
- (0.5) State allows individuals to mark M, F, or X on birth certificate (2020)
- See [Illinois Vital Records Act](#) (2017), [Illinois Department of Public Health forms](#), and [A4TE state page](#)

Indiana

- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) State only allows residents to identify as male or female
- In [Dec 2014](#), an Indiana court ruled that the state’s existing statute (16-37-2-10(b)) allowed for state courts to issue court orders to change the gender marker on a birth certificate (score of 0.5). This was affirmed again by a later court ruling in [2017](#). However, appellate court rulings in [May 2022](#) and [Dec 2022](#) argued that existing statute does not apply to gender marker changes and therefore that state courts have no authority to issue court orders to change gender markers on birth certificates. In [May 2023](#), the state Supreme Court declined to hear those cases, leaving the question unresolved. This means that, while some judges continue to issue gender marker changes in the state, others may



choose not to, leading to potentially unclear or inconsistent experiences for transgender Hoosiers.

- See [Ind. Code Ann. § 16-37-2-10\(b\)](#), [IN Department of Health FAQ](#), and [A4TE state page](#)

Iowa

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [Iowa Code Ann. § 144.23\(3\)](#), Iowa [DHHS Vital Records, Amendment form](#), and [A4TE state page](#)

Kansas

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See below, and [A4TE state page](#)
- Recent history:
 - Formerly, (0.75) state updated birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language), as required by a [consent judgment in *Foster v. Andersen*](#) (2019). See also [Form VS624 \(archive\)](#) on [department website](#), including [this FAQ \(archive\)](#) on updating the gender on birth certificates.
 - In August 2023, a federal court [vacated parts of the consent judgment](#), after the state enacted a new law defining sex throughout state law based on sex assigned at birth. That federal court decision left the legal availability of gender marker changes uncertain.
 - On [September 15, 2023](#), the state Department of Health [announced](#) it would no longer issue any gender marker changes to birth certificates, due to the new state law.

Kentucky

- (-0.5) State updates birth certificates using an administrative process but requires proof of surgery
- (0) State only allows residents to identify as male or female
- See [Ky. Rev. Stat. Ann. § 213.121\(5\)](#) (as early as 1990), [VS-15GR](#) (dated 2015), and [A4TE state page](#)

Louisiana

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [La. Rev. Stat. Ann. § 40:62](#), [LA Dept of Health](#) and [Application to Amend](#), [LA Trans Advocates page](#), and [A4TE state page](#)



Maine

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [Maine Department of Health and Human Services 10-146 CMR ch. 16](#) (2020), Maine DHHS [Gender Marker Change on Birth Certificates FAQ](#), Maine DHHS [Application](#), and [A4TE state page](#). See also [LD 2235](#) (2024), putting “X” options into statutory law.

Maryland

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [Md. Code Ann. \[Health - Gen.\] § 4-214](#), Maryland DOH [Change Sex Designation page](#) and [Application for Change in Sex Designation](#), and [A4TE state page](#)

Massachusetts

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate (2024)
- See [Mass Gen. Laws Ann. ch. 46, § 13\(e\)](#), amended by [H4800/Act 140, §§ 77-79](#) (2024; effective July 1, 2024), Mass. Vital Records [Amend a Birth Certificate for Sex page](#), [Fact Sheet](#), and [Application/Affidavit](#), and [A4TE state page](#)

Michigan

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See below, [HB5303](#) (2025), [Sex Designation Form](#), and [A4TE state page](#)
- State formerly required proof of sex reassignment surgery in order to change gendermarker (see [Mich. Comp. Laws Ann. § 333.2831\(c\)](#) (2006)). In February 2021, the Michigan Department of Health and Human Services (MDHHS) [formally requested](#) guidance from the state’s Attorney General regarding the constitutionality of that requirement. In June 2021, the Attorney General issued [Opinion 7313](#), finding that the requirement was unconstitutional. In July 2021, the state published a [new process](#) allowing for self-attestation with no requirement of medical documentation or a court order. See also [Sex Designation Form](#), including “X” options. In January 2025, the state also enacted [HB5303](#), codifying these policies into law.



Minnesota

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [Minn. Stat. Ann. § 144.218](#), [Minn. Rules 4601.1100](#), Minn. DOH [Change a Birth Record](#) page (“Changing sex/gender indicators”), [Supporting Documents for Amendments](#) page (“For changing gender,” either a physician’s letter or a court order), and [A4TE state page](#)

Mississippi

- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) State only allows residents to identify as male or female
- See [Miss. Admin. Code 15-5-85:3.21.2](#), and [A4TE state page](#)
- Note that the amended birth certificate will show the updated sex as a “marginal notation,” meaning the birth certificate will show both gender markers.

Missouri

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [Mo. Ann. Stat. § 193.215\(9\)](#) (2006), and [A4TE state page](#)

Montana

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [Rule 37.8.311](#) (Initially implemented May 2022; formally adopted September 2022; blocked June 2023; [reinstated](#) February 2024), prohibiting any changes to the gender marker. See also [A4TE state page](#).
- Recent history:
 - Formerly, state issued new birth certificate and did not require surgery or court order (see Rule 37.8.311 ([2017 version](#)) and [archived Gender Designation Form](#)).
 - In 2021, the state enacted [SB280](#), adding requirements for proof of surgery and a court order before updating the birth certificate.
 - In July 2021, a [lawsuit](#) was filed against this discriminatory law.
 - In April 2022, a district court issued a preliminary injunction temporarily blocking enforcement of the law and ordering the state to its previous 2017 process while the court case continued.
 - In May 2022, despite the court order, the state health department issued an “[emergency order](#)” that prohibits any update to the gender marker on the birth certificate under any circumstance, even with proof of surgery and a court order.
 - On Sept 9, 2022, this emergency order was [formally adopted](#) as an administrative rule (Rule 37.8.311).
 - On Sept 15, 2022, the court again ordered the state to revert to its 2017 process and to stop violating the court’s instructions. Hours later, the state [responded](#) by saying it would continue to enforce its new rule, but the following week the state said it



would [comply](#) with the court order and accept applications for birth certificate updates. A [Gender Designation Form](#) is now available on the state website, but given the hostility of the state, it is unknown whether such applications will actually be processed or approved.

- On Sept 26, 2022, the Montana health department [asked](#) the Montana Supreme Court to suspend the district court’s order so the health department can resume its rule prohibiting any gender marker changes.
- In January 2023, the Montana Supreme Court [ruled](#) the state health department should have been issuing updates according to the 2017 procedures during the injunction period. However, the ruling also stated that the new 2022 administrative rules (banning updates under any circumstance) would need to be addressed separately. LGBTQ advocates filed a motion to address that 2022 rule separately.
- In June 2023, the district court order [ruled](#) SB280 unconstitutional, permanently blocked both SB280 [and the 2022 administrative rule](#), and further found the state in contempt for disregarding the court’s repeated orders to follow the 2017 process. This meant that gender marker changes were available under the 2017 rule process.
- In February 2024, the state [reinstated](#) the 2022 administrative rule—banning gender marker changes under any circumstances—citing a new state law passed in 2023 defining “sex” to enable discrimination against transgender people.

Nebraska

- (-0.5) State updates birth certificates using an administrative process but requires proof of surgery
- (0) State only allows residents to identify as male or female
- See [Neb. Rev. Stat. § 71-604.01 \(1994\)](#) and [A4TE state page](#)

Nevada

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [Nev. Admin. Code. Ch. 440, § 030, Application for Correction of a Record](#) packet, [Changing Your Gender in Nevada](#) guide, and [A4TE state page](#)

New Hampshire

- (0) State has unclear process regarding gender marker changes and/or [unclear medical requirements](#) that may be left to the discretion of individual judges
- (0) State only allows residents to identify as male or female
- See [NH RSA 5-C:87](#) and [A4TE state page](#)



New Jersey

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [N.J. Stat. Ann. § 26:8-40.12](#) (2018), [S 478](#) (2018), and [A4TE state page](#)
- Formerly, (-0.75) state required both a court order and proof of surgery from a licensed physician. See earlier version of [N.J. Stat. Ann. § 26:8-40.12](#) (1984-2018).

New Mexico

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [SB 20](#) (2019), NM Health’s [Gender Designation Change on a Birth Certificate](#) page, [Change Gender Designation on a Birth Certificate](#) form, and [A4TE state page](#)
- Formerly required proof of “sex reassignment surgery.”

New York

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate (2020)
- See [NYCCRR Title 10 Section 35.2](#) (2014), [DOH’s Gender Designation Corrections information](#) “including requests for non-binary gender designations,” [Form DOH-5305](#) (January 2023), and [A4TE state page](#).

North Carolina

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [Birth Certificate Modification Application](#) (p6) with multiple routes to access updated birth certificate. See also [A4TE state page](#).
- Formerly, [N.C. Gen. Stat. §§ 130A-118\(b\)\(4\)](#) (since at least [2005](#)) required proof of “sex reassignment surgery.” However, a [2022 case brought by Lambda Legal](#) resulted in a consent judgement that the state must provide accurate birth certificates without requiring surgery.

North Dakota

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery*
 - *Note: this law explicitly requires genital surgery: “The sex of the individual was changed with anatomically correct genitalia for the identified sex as certified by a medical provider.” See [23-02.1-25.1\(2\)\(c\)](#) (2023).
- (0) State only allows residents to identify as male or female
- See [HB1297](#) (2023) banning any sex/gender marker changes to birth certificates, and [HB1139](#) (2023) requiring birth certificates to include a sex marker and banning the use of any marker other than male or female. See also [A4TE state page](#).



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- Previously, state allowed changes, but required proof of “sex reassignment surgery” (undefined) to change gender marker. See [ND Cent. Code §23-02.1-25](#) (2005), [ND Admin. Code §33-04-12-02](#) (2006),



Ohio

- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) State only allows residents to identify as male or female
- See [Ohio Department of Health's website](#) (2021, [ACLU of Ohio's FAQ](#), [Form 30.0 "Application for Correction of Birth Record"](#) (Aug 2021) to initiate court order, and [A4TE state page](#).
- Prior to 2016, state (0.5) updated gender markers with a court order, consistent with state's statutory [process for other birth certificate changes](#). Beginning in 2016, state (-1) refused to change gender markers even under court order. This policy was ruled unconstitutional in [Ray v. McCloud](#) (Dec 2020), and the state [announced](#) in April 2021 that it would not challenge the ruling. The current policy (0.5) was announced in May 2021.

Oklahoma

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [Executive Order 2021-24](#) (Nov 2021), [SB1100](#) (2022), and [A4TE state page](#)
- Previously, Oklahoma had unclear, unknown, or unwritten policy regarding gender marker changes on birth certificates (0). In [Oct 2021](#), the state's Department of Health formalized a process for these changes (requiring a court order (0.5)) including the option of a nonbinary gender marker, all as part of a settlement in a federal lawsuit. The state issued its first nonbinary marker in [Oct 2021](#), but in [Nov 2021](#), the state's Governor issued [Executive Order 2021-24](#), not only preventing nonbinary options but also *any* changes of sex/gender markers on birth certificates (-1).
- A lawsuit has been filed against this policy. See [Fowler v. Stitt](#) (filed March 2022). While a court initially dismissed the lawsuit (June 2023), Lambda Legal appealed the ruling to the Tenth Circuit, and this dismissal was reversed (June 2024). The case now awaits trial.

Oregon

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [HB 2673](#) (2017), [OAR 333-011-0265](#) (eff. Jan 1, 2018), [OHA 2673 Application](#) (must be notarized), and [A4TE state page](#)

Pennsylvania

- (0.75) State updates birth certificates using an administrative process and documentation of "appropriate treatment" (or similar language)
- (0) State only allows residents to identify as male or female
- See [Pennsylvania Department of Health policy](#) (2016), [Birth Certificate Correction Forms](#) (must be notarized), and [A4TE state page](#) (including a sample physician statement)



Rhode Island

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate (2019)
- See [R.I. Gen. Laws § 23-3-21](#), DOH [Changes to the Sex Field on a Rhode Island Birth Certificate](#) page, R.I. Code R. 14 170 001 §§ 35-37(2004), and [A4TE state page](#)

South Carolina

- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) State only allows residents to identify as male or female
- See [A4TE state page](#) for more information

South Dakota

- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) State only allows residents to identify as male or female
- See [S.D. Admin. R. 44:09:05:02](#), or [A4TE state page](#) for more information

Tennessee

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [Tenn. Code Ann. § 68-3-203\(d\)](#) (since at least 2010) and [A4TE state page](#)

Texas

- (-1) State does not allow for amending the gender marker on the birth certificate at all
- (0) State only allows residents to identify as male or female
- See [reporting, confirmed by TX Health and Human Services](#), that as of Aug 2024, the state would no longer allow changes to the gender marker on birth certificates. See also [A4TE state page](#).
- Formerly state required a court order. See archived captures of [TX Health and Human Services website](#), [Form VS-170](#), [TX Health & Safety Code § 192.011](#), and [NCTE for more information](#).



Utah

- (0) State has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [SB93](#) (2023), requiring a court order, which can only be granted “if the court determines by clear and convincing evidence that” the individual has met a long list of criteria including that they have transitioned, and further mentions that the court “shall consider...evidence of medical history, care, or treatment related to sex transitioning.” See also [A4TE state page](#) with additional guidance including sample forms.
- Formerly, state required a court order to change the birth certificate, but did not specify any medical or other requirements to do so. See [Utah Code Ann. § 26-2-11](#) (2004). This was changed by SB93 (2023).

Vermont

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See [H 111/Act 46](#) (2017, effective July 1, 2019), [H 628/Act 88](#) (2022, effective July 1, 2022), [18 V.S.A. § 5112](#), DOH [Application to Correct or Amend a Vermont Birth Certificate](#), and [A4TE state page](#)
- Formerly, state required a court order. See [18 Vt. Stat. § 5112](#) (2011-2019).

Virginia

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
- See [SB 657](#) (2020), [Form VS-42](#) (2020), and [A4TE state page](#)

Washington

- (1) State updates birth certificates using an administrative process with no medical documentation requirements
- (0.5) State allows individuals to mark M, F, or X on birth certificate
- See the [Washington Department of Health's policy](#), DOH [Form 422-143: Change of Gender Designation Request](#) (must be notarized), and [A4TE state page](#)



West Virginia

- (0.75) State updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) State only allows residents to identify as male or female
 - Note: the state explicitly bans the use of gender-neutral or nonbinary markers on birth certificates. See [HB4233](#) (2024).
- See [Sex Designation Form](#) (May 2022), West Virginia Department of Health & Human Resources [Correct or Amend a Certificate](#) page, [HB4233](#) (2024), and [A4TE state page](#)
- Recent history: State clearly allowed for gender updates with a court order (see [W. Va. Code § 16-5-25, § 64-32-12](#)) (MAP score of 0.5), but in June 2020 the State Supreme Court of Appeals ruled in *In re: G.M.* that courts do not have the authority to order state’s Department of Health & Human Resources to change the gender marker on a birth certificate, in effect disallowing gender marker changes entirely (MAP score of -1). In August 2021, this ruling was appealed by the ACLU in *Hersom v. Crouch*; see also [this coverage](#). In May 2022, the state Department of Health & Human Resources issued a new form allowing individuals to update their birth certificates (see above), and the court case is now on temporary pause (“in abeyance”) while the parties discuss potential settlement.

Wisconsin

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [Wis. Stat. Ann. § 69.15\(4\)](#) (since at least) and [A4TE state page](#)

Wyoming

- (-0.75) State updates birth certificates but requires both a court order and proof of surgery
- (0) State only allows residents to identify as male or female
- See [WY Rules and Regulations HLTH VR Ch. 10 s 4\(e\)\(iii\)](#) (2004) or [A4TE’s state page](#)

U.S. Territories

American Samoa

- (0) Territory has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) Territory only allows residents to identify as male or female
- [“The High Court of American Samoa has held that the alteration of a birth certificate is granted only to correct information that was erroneous at the time of recordation, or to reflect a name change due to adoption.”](#) NCTE reports anecdotal cases of successfully updating gender markers on birth certificates, but there is no clear policy for doing so.



Guam

- (-0.75) Territory updates birth certificates but requires both a court order and proof of surgery
- (0) Territory only allows residents to identify as male or female
- “[In order to update the gender marker on a birth certificate, the requestor must provide a sworn statement from the physician having performed the surgery, thus certifying the sex of the requestor has been changed by surgical procedure.](#)”

Northern Mariana Islands

- (0) Territory has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) Territory only allows residents to identify as male or female
- “[In order to change a legal name on a birth certificate, the applicant must provide a court order for legal name and gender marker change to the Vital Statistics Office Division of Public Health.](#)”

Puerto Rico

- (0.75) Territory updates birth certificates using an administrative process and documentation of “appropriate treatment” (or similar language)
- (0) Territory only allows residents to identify as male or female
- See [Arroyo v. Rosselló](#) (2018), [Department of Health Circular Letter 3-18](#), or [A4TE territory page](#) for more information.

U.S. Virgin Islands

- (0) Territory has unclear process regarding gender marker changes and/or unclear medical requirements that may be left to the discretion of individual judges
- (0) Territory only allows residents to identify as male or female
- See [A4TE territory page](#) for more information.